



**Iowa General Assembly**  
**Daily Bills, Amendments and Study Bills**  
**April 10, 2013**

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Senate File 406

H-1284

- 1 Amend the amendment, H-1269, to Senate File 406, as  
2 passed by the Senate, as follows:  
3 1. Page 13, line 12, after <law.> by inserting  
4 <The person appointed as administrator must meet the  
5 qualifications to be appointed as a mental health  
6 advocate.>  
7 2. Page 13, line 18, after <advocate.> by inserting  
8 <A mental health advocate serving as of June 30, 2013,  
9 shall be deemed to be qualified.>  
10 3. Page 13, lines 22 and 23, by striking <or  
11 nursing> and inserting <nursing, or psychology,>  
12 4. Page 13, line 31, after <advocates.> by  
13 inserting <The procedures for filling a vacant mental  
14 health advocate position assigned to a geographic area  
15 shall require the individual filling the vacancy to  
16 reside within the assigned geographic area.>  
17 5. Page 19, by striking lines 7 through 11 and  
18 inserting:  
19 <1. The full-time or part-time county employees or  
20 independent contractors paid for mental health advocate  
21 services under section 229.19 immediately prior to July  
22 1, 2014, shall be appointed as mental health advocates  
23 pursuant to section 216A.172 and shall become employees  
24 of the department of>  
25 6. Page 19, line 15, by striking <salaries>  
26 7. Page 19, line 46, by striking <full-time>  
27 8. Page 19, line 47, by striking <full-time>  
28 9. Page 20, line 28, by striking <full-time>  
29 10. Page 20, line 29, by striking <full-time>

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M. SMITH of Marshall

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House File 632 - Introduced

HOUSE FILE 632  
BY COMMITTEE ON WAYS AND MEANS  
  
(SUCCESSOR TO HF 349)

A BILL FOR

1 An Act relating to the assessment of certain real estate used  
2 in the cultivation and production of algae, and including  
3 effective date and retroactive applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1858HV (2) 85  
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H.F. 632

1 Section 1. Section 427A.1, subsection 4, Code 2013, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. d. It is a photobioreactor used in the  
4 production of algae for harvesting as a crop for animal feed,  
5 food, nutritionals, or biofuel production.  
6 Sec. 2. Section 441.21, subsection 12, Code 2013, is amended  
7 to read as follows:  
8 ~~12. Beginning with valuations established on or after~~  
9 ~~January 1, 2002, as~~ As used in this section, unless the context  
10 otherwise requires, "agricultural property" includes the all of  
11 the following:  
12 a. Beginning with valuations established on or after January  
13 1, 2002, the real estate of a vineyard and buildings used in  
14 connection with the vineyard, including any building used for  
15 processing wine if such building is located on the same parcel  
16 as the vineyard.  
17 b. Beginning with valuations established on or after January  
18 1, 2013, real estate used directly in the cultivation and  
19 production of algae for harvesting as a crop for animal feed,  
20 food, nutritionals, or biofuel production. The real estate  
21 must be an enclosed pond or land containing a photobioreactor.  
22 Sec. 3. RETROACTIVE APPLICABILITY. This division of this  
23 Act applies retroactively to January 1, 2013, for assessment  
24 years beginning on or after that date.  
25 Sec. 4. EFFECTIVE UPON ENACTMENT. This division of this  
26 Act, being deemed of immediate importance, takes effect upon  
27 enactment.

28 EXPLANATION

29 This bill provides that, for purposes of property taxation,  
30 agricultural property includes the real estate which is  
31 used directly in the cultivation and production of algae for  
32 harvesting as a crop for animal feed, food, nutritionals, or  
33 biofuel production. The real estate must be an enclosed pond  
34 or must be land containing machinery or equipment that uses  
35 a light source to provide photonic energy, referred to as a

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1 photobioreactor.

2     The bill takes effect upon enactment and applies  
3 retroactively to assessment years beginning on or after January  
4 1, 2013.



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House File 633 - Introduced

HOUSE FILE 633  
BY COMMITTEE ON WAYS AND MEANS  
  
(SUCCESSOR TO HF 336)

A BILL FOR

1 An Act providing an exemption from the computation of net  
2 income for the individual income tax of net capital gain  
3 from the sale or exchange of qualified capital stock and  
4 including effective date and retroactive applicability  
5 provisions.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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H.F. 633

1 Section 1. Section 422.7, subsection 21, paragraph a,  
2 subparagraph (2), Code 2013, is amended to read as follows:

3 (2) For purposes of this ~~paragraph subsection~~, "*lineal*  
4 *descendant*" means children of the taxpayer, including legally  
5 adopted children and biological children, stepchildren,  
6 grandchildren, great-grandchildren, and any other lineal  
7 descendants of the taxpayer.

8 Sec. 2. Section 422.7, subsection 21, Code 2013, is amended  
9 by adding the following new paragraph:

10 NEW PARAGRAPH. f. (1) Net capital gain from the sale or  
11 exchange of capital stock of a qualified corporation for which  
12 an election is made by an employee-owner.

13 (2) (a) An employee-owner is entitled to make one  
14 irrevocable lifetime election to exclude the net capital  
15 gain from the sale or exchange of capital stock of one  
16 qualified corporation which capital stock was acquired by the  
17 employee-owner on account of employment by such qualified  
18 corporation and while employed by such qualified corporation.

19 (b) The election shall apply to all subsequent sales or  
20 exchanges of the elected capital stock, provided it is capital  
21 stock in the same qualified corporation and was acquired on  
22 account of employment by such qualified corporation and while  
23 employed by such qualified corporation.

24 (c) The election shall apply to transfers of the capital  
25 stock by inter vivos gift from the employee-owner to the  
26 employee-owner's spouse or lineal descendants, or to a trust  
27 for the benefit of the employee-owner's spouse or lineal  
28 descendants. This subparagraph division (c) shall apply to a  
29 spouse only if the spouse was married to the employee-owner on  
30 the date of the sale or exchange or the date of death of the  
31 employee-owner.

32 (d) If the employee-owner dies without making an election,  
33 the surviving spouse or, if there is no surviving spouse, the  
34 personal representative of the employee-owner's estate may  
35 make the election that would have qualified under subparagraph

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1 division (c).

2 (e) The election shall be made by including a written  
3 statement with the taxpayer's state income tax return for  
4 the taxable year in which the election is made. The written  
5 statement shall identify the qualified corporation that issued  
6 the capital stock, the grounds for the election under this  
7 paragraph "f", a statement that the taxpayer elects to have this  
8 paragraph "f" apply, and any other information required by the  
9 department. The department shall provide appropriate forms  
10 for making elections and reporting exclusions pursuant to this  
11 paragraph "f".

12 (3) For purposes of this paragraph:

13 (a) "*Capital stock*" means common or preferred stock, either  
14 voting or nonvoting. "*Capital stock*" does not include stock  
15 rights, stock warrants, stock options, or debt securities.

16 (b) "*Employee-owner*" means an individual who owns capital  
17 stock in a qualified corporation, which capital stock was  
18 acquired by the individual on account of employment by such  
19 qualified corporation and while employed by such corporation.

20 (c) "*Personal representative*" means the same as defined in  
21 section 633.3, or if there is no such personal representative  
22 appointed, then the person legally authorized to perform  
23 substantially the same functions.

24 (d) (i) "*Qualified corporation*" means a corporation  
25 which, at the time of the first sale or exchange for which an  
26 election is made under this paragraph "f", meets the following  
27 conditions:

28 (A) The corporation has been in existence and actively doing  
29 business in this state for at least ten years.

30 (B) The corporation has at least five shareholders.

31 (C) The corporation has at least two shareholders or  
32 groups of shareholders who are not related. Two persons are  
33 considered related when, under section 318 of the Internal  
34 Revenue Code, one is a person who owns, directly or indirectly,  
35 capital stock that if directly owned would be attributed to the

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1 other person, or is the brother, sister, aunt, uncle, cousin,  
2 niece, or nephew of the other person who owns capital stock  
3 either directly or indirectly.

4 (ii) A qualified corporation shall include any member  
5 of an affiliated group, as defined in section 422.32, if the  
6 affiliated group includes a member that has been in existence  
7 and actively doing business in this state for at least ten  
8 years.

9 (iii) A qualified corporation shall include any corporation  
10 that was a party to a reorganization that was entirely or  
11 substantially tax free if such reorganization occurred during  
12 or after the employment of the employee-owner.

13 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
14 immediate importance, takes effect upon enactment.

15 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies  
16 retroactively to January 1, 2013, for tax years beginning on  
17 or after that date.

18 EXPLANATION

19 This bill grants an employee-owner, as defined in the  
20 bill, one irrevocable lifetime election to exclude from state  
21 individual income tax the net capital gain from the sale of  
22 the capital stock of one qualified corporation. Several  
23 requirements must be met for capital stock to qualify as  
24 capital stock of a qualified corporation. First, the stock  
25 must be either voting or nonvoting, common or preferred  
26 stock. Stock rights, stock warrants, stock options, and debt  
27 securities do not qualify. Second, the corporation that issued  
28 the stock must be in existence and actively doing business  
29 in Iowa for at least 10 years. A corporation that is part  
30 of an affiliated group will qualify if the affiliated group  
31 includes a member that has been in existence and actively doing  
32 business in Iowa for at least 10 years. Third, the corporation  
33 that issued the stock must have at least five shareholders,  
34 two of whom must not be related. Fourth, the stock must have  
35 been acquired by the employee-owner on account of employment



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1 with the corporation and while employed by the corporation. A  
2 corporation will qualify if it is a party to a reorganization  
3 that was entirely or substantially tax free as long as the  
4 reorganization occurred during or after the employee-owner's  
5 employment.

6 The election shall apply to all subsequent sales of the  
7 elected capital stock, provided it is capital stock in the same  
8 qualified corporation and was acquired on account of employment  
9 by the corporation and while employed by the corporation.

10 The bill provides that the election applies to transfers of  
11 the capital stock by inter vivos gift from the employee-owner  
12 to a spouse or lineal descendant, or to a trust for the benefit  
13 of the employee-owner's spouse or lineal descendant. The  
14 election will apply to a spouse only if the spouse was married  
15 to the employee-owner on the date of the sale or the date of the  
16 employee-owner's death.

17 If, after making a valid inter vivos transfer of stock that  
18 meets all the requirements for an election, an employee-owner  
19 dies without making an election, the surviving spouse, or if  
20 there is no surviving spouse, the personal representative of  
21 the employee-owner's estate may make the election.

22 An election is made by including a written statement  
23 containing certain required information, as specified in the  
24 bill, with the taxpayer's Iowa income tax return for the  
25 taxable year in which the election is made. The department of  
26 revenue is required to provide appropriate forms for making  
27 elections and reporting exclusions.

28 The bill takes effect upon enactment and applies  
29 retroactively to January 1, 2013, for tax years beginning on  
30 or after that date.



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House File 634 - Introduced

HOUSE FILE 634  
BY COMMITTEE ON WAYS AND MEANS  
  
(SUCCESSOR TO HSB 228)

A BILL FOR

1 An Act relating to the policy administration of the tax and  
2 related laws and related programs by the department of  
3 revenue, including administration of income taxes, sales  
4 and use taxes, the orderly wind-up and eventual repeal of  
5 the Iowa fund of funds program, the replacement taxes task  
6 force, a study report related to administrative appeals  
7 processes for tax matters, and including effective date and  
8 retroactive and other applicability provisions.  
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

INCOME TAXES

1                                   DIVISION I  
2                                   INCOME TAXES  
3       Section 1. Section 2.48, subsection 3, paragraph c,  
4 subparagraph (4), Code 2013, is amended by striking the  
5 subparagraph.

6       Sec. 2. Section 2.48, subsection 3, paragraph e,  
7 subparagraph (5), Code 2013, is amended by striking the  
8 subparagraph.

9       Sec. 3. Section 15.119, subsection 2, paragraph c, Code  
10 2013, is amended by striking the paragraph.

11       Sec. 4. Section 422.5, subsection 1, paragraph j,  
12 subparagraph (2), subparagraph division (a), Code 2013, is  
13 amended to read as follows:

14       (a) The tax imposed upon the taxable income of a resident  
15 shareholder in an S corporation or of an estate or trust with  
16 a situs in Iowa that is a shareholder in an S corporation,  
17 which S corporation has in effect for the tax year an election  
18 under subchapter S of the Internal Revenue Code and carries  
19 on business within and without the state, may be computed by  
20 reducing the amount determined pursuant to paragraphs "a"  
21 through "i" by the amounts of nonrefundable credits under  
22 this division and by multiplying this resulting amount by a  
23 fraction of which the resident's or estate's or trust's net  
24 income allocated to Iowa, as determined in section 422.8,  
25 subsection 2, paragraph "b", is the numerator and the resident's  
26 or estate's or trust's total net income computed under section  
27 422.7 is the denominator. If a resident shareholder, or an  
28 estate or trust with a situs in Iowa that is a shareholder,  
29 has elected to take advantage of this subparagraph (2), and  
30 for the next tax year elects not to take advantage of this  
31 subparagraph, the resident or estate or trust shareholder shall  
32 not reelect to take advantage of this subparagraph for the  
33 three tax years immediately following the first tax year for  
34 which the shareholder elected not to take advantage of this  
35 subparagraph, unless the director consents to the reelection.

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1 This subparagraph also applies to individuals who are residents  
2 of Iowa for less than the entire tax year.

3 Sec. 5. Section 422.8, subsection 2, paragraph b,  
4 unnumbered paragraph 1, Code 2013, is amended to read as  
5 follows:

6 A resident's income, or the income of an estate or trust with  
7 a situs in Iowa, allocable to Iowa is the income determined  
8 under section 422.7 reduced by items of income and expenses  
9 from an S corporation that carries on business within and  
10 without the state when those items of income and expenses pass  
11 directly to the shareholders under provisions of the Internal  
12 Revenue Code. These items of income and expenses are increased  
13 by the greater of the following:

14 Sec. 6. Section 422.15, subsection 2, Code 2013, is amended  
15 to read as follows:

16 2. Every partnership, including limited partnerships  
17 ~~organized under chapter 488, having a place of business in~~  
18 ~~the state, doing business in this state, or deriving income~~  
19 ~~from sources within this state as defined in section 422.33,~~  
20 ~~subsection 1,~~ shall make a return, stating specifically the net  
21 income and capital gains (or losses) reported on the federal  
22 partnership return, the names and addresses of the partners,  
23 and their respective shares in said amounts.

24 Sec. 7. Section 422.33, subsections 9 and 27, Code 2013, are  
25 amended by striking the subsections.

26 Sec. 8. REPEAL. Sections 16.211, 16.212, and 422.11X, Code  
27 2013, are repealed.

28 Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this  
29 Act, being deemed of immediate importance, takes effect upon  
30 enactment.

31 Sec. 10. RETROACTIVE APPLICABILITY. The following  
32 provision or provisions of this division of this Act apply  
33 retroactively to January 1, 2013, for tax years beginning on  
34 or after that date:

35 1. The section of this division of this Act amending section

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1 422.5.

2 2. The section of this division of this Act amending section  
3 422.8.

4 3. The section of this division of this Act amending section  
5 422.15.

6

DIVISION II

7

SALES AND USE TAXES

8 Sec. 11. Section 421.26, Code 2013, is amended to read as  
9 follows:

10 **421.26 Personal liability for tax due.**

11 If a licensee or other person under section 452A.65, a  
12 retailer or purchaser under chapter 423A, 423B, or 423E, or  
13 section 423.31 or 423.33, or a retailer or purchaser under  
14 section 423.32, a user under section 423.34, or a permit holder  
15 or licensee under section 453A.13, 453A.16, or 453A.44 fails  
16 to pay a tax under those sections when due or is subject  
17 to repayment of a sales and use tax refund received under  
18 section 15.331A, an officer of a corporation or association,  
19 notwithstanding section 489.304, a member or manager of a  
20 limited liability company, or a partner of a partnership,  
21 having control or supervision of or the authority for remitting  
22 the tax payments or receiving sales and use tax refunds  
23 and having a substantial legal or equitable interest in the  
24 ownership of the corporation, association, limited liability  
25 company, or partnership, who has intentionally failed to pay  
26 the tax or whose corporation, association, limited liability  
27 company, or partnership is subject to repayment of a sales and  
28 use tax refund received under section 15.331A, is personally  
29 liable for the payment of the tax, interest, and penalty due  
30 and unpaid or repayment of the sales and use tax refund.  
31 However, this section shall not apply to taxes on accounts  
32 receivable. The dissolution of a corporation, association,  
33 limited liability company, or partnership shall not discharge a  
34 person's liability for failure to remit the tax due or repay a  
35 sales and use tax refund.



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1 Sec. 12. Section 423.1, subsection 5, Code 2013, is amended  
2 to read as follows:

3 5. "*Agricultural production*" includes the production of  
4 flowering, ornamental, or vegetable plants in commercial  
5 greenhouses or otherwise, and production from aquaculture,  
6 and production from silvicultural activities. "*Agricultural*  
7 *products*" includes flowering, ornamental, or vegetable plants  
8 and those products of aquaculture and silviculture.

9 Sec. 13. Section 423.2, subsection 6, paragraph a, Code  
10 2013, is amended to read as follows:

11 a. The sales price of any of the following enumerated  
12 services is subject to the tax imposed by subsection  
13 5: alteration and garment repair; armored car; vehicle repair;  
14 battery, tire, and allied; investment counseling; service  
15 charges of all financial institutions; barber and beauty;  
16 boat repair; vehicle wash and wax; campgrounds; carpentry;  
17 roof, shingle, and glass repair; dance schools and dance  
18 studios; dating services; dry cleaning, pressing, dyeing, and  
19 laundering; electrical and electronic repair and installation;  
20 excavating and grading; farm implement repair of all kinds;  
21 flying service; furniture, rug, carpet, and upholstery  
22 repair and cleaning; fur storage and repair; golf and country  
23 clubs and all commercial recreation; gun and camera repair;  
24 house and building moving; household appliance, television,  
25 and radio repair; janitorial and building maintenance or  
26 cleaning; jewelry and watch repair; lawn care, landscaping,  
27 and tree trimming and removal; limousine service, including  
28 driver; machine operator; machine repair of all kinds; motor  
29 repair; motorcycle, scooter, and bicycle repair; oilers and  
30 lubricators; office and business machine repair; painting,  
31 papering, and interior decorating; parking facilities; pay  
32 television; pet grooming; pipe fitting and plumbing; wood  
33 preparation; executive search agencies; private employment  
34 agencies, excluding services for placing a person in employment  
35 where the principal place of employment of that person is to

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1 be located outside of the state; reflexology; security and  
2 detective services, excluding private security and detective  
3 services furnished by a peace officer with the knowledge and  
4 consent of the chief executive officer of the peace officer's  
5 law enforcement agency; sewage services for nonresidential  
6 commercial operations; sewing and stitching; shoe repair  
7 and shoeshine; sign construction and installation; storage  
8 of household goods, mini-storage, and warehousing of raw  
9 agricultural products; swimming pool cleaning and maintenance;  
10 tanning beds or salons; taxidermy services; telephone  
11 answering service; test laboratories, including mobile testing  
12 laboratories and field testing by testing laboratories, and  
13 excluding tests on humans or animals; termite, bug, roach, and  
14 pest eradicators; tin and sheet metal repair; transportation  
15 service consisting of the rental of recreational vehicles or  
16 recreational boats, or the rental of motor vehicles subject  
17 to registration which are registered for a gross weight of  
18 thirteen tons or less for a period of sixty days or less, or  
19 the rental of aircraft for a period of sixty days or less;  
20 Turkish baths, massage, and reducing salons, excluding services  
21 provided by massage therapists licensed under chapter 152C;  
22 water conditioning and softening; weighing; welding; well  
23 drilling; wrapping, packing, and packaging of merchandise other  
24 than processed meat, fish, fowl, and vegetables; wrecking  
25 service; wrecker and towing.

26 Sec. 14. Section 423.3, subsection 47, paragraph a,  
27 unnumbered paragraph 1, Code 2013, is amended to read as  
28 follows:

29 The sales price from the sale or rental of computers,  
30 machinery, and equipment, including replacement parts and  
31 consumable supplies, and materials used to construct or  
32 self-construct computers, machinery, and equipment if such  
33 items are any of the following:

34 Sec. 15. Section 423.3, subsection 47, paragraph d, Code  
35 2013, is amended by adding the following new subparagraph:

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1     NEW SUBPARAGRAPH. (02) "*Consumable supplies*" means tangible  
2 personal property, other than computers, machinery, equipment,  
3 or raw materials, that is consumed or expended during the  
4 manufacture of other tangible personal property. The term  
5 "*consumable supplies*" includes but is not limited to oils,  
6 greases, hydraulic fluids, coolants, and lubricants.

7     Sec. 16. Section 423.3, subsection 47, paragraph d,  
8 subparagraph (4), Code 2013, is amended to read as follows:

9     (4) "*Manufacturer*" means ~~as defined in section 428.20 a~~  
10 person who purchases, receives, or holds personal property  
11 of any description for the purpose of adding to its value by  
12 a process of manufacturing, refining, purifying, combining  
13 of different materials, or by the packing of meats, with a  
14 view to selling the property for gain or profit, but also  
15 includes contract manufacturers. A contract manufacturer is  
16 a manufacturer that otherwise falls within the definition of  
17 manufacturer ~~under section 428.20~~, except that a contract  
18 manufacturer does not sell the tangible personal property  
19 the contract manufacturer processes on behalf of other  
20 manufacturers. A business engaged in activities subsequent  
21 to the extractive process of quarrying or mining, such as  
22 crushing, washing, sizing, or blending of aggregate materials,  
23 is a manufacturer with respect to these activities. This  
24 subparagraph (4) shall not be construed to require that a  
25 person be primarily engaged in an activity listed in this  
26 subparagraph in order to qualify as a manufacturer for purposes  
27 of this subsection.

28     Sec. 17. Section 423.3, subsection 47, paragraph d, Code  
29 2013, is amended by adding the following new subparagraph:

30     NEW SUBPARAGRAPH. (7) (a) "*Replacement part*" means  
31 tangible personal property that meets all the following  
32 conditions:

33     (i) The tangible personal property replaces a component of  
34 a computer, machinery, or equipment, which component is capable  
35 of being separated from the computer, machinery, or equipment.

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1 (ii) The tangible personal property performs the same or  
2 similar function as the component it replaced.

3 (iii) The tangible personal property restores the computer,  
4 machinery, or equipment to its original operating condition, or  
5 upgrades or improves the efficiency of the computer, machinery,  
6 or equipment.

7 (b) "*Replacement part*" does not include a consumable  
8 supply or a jig, die, tool, or other device that is used in  
9 conjunction with machinery or equipment and that is specially  
10 designed for use in manufacturing specific products and that  
11 may be used interchangeably and intermittently on a particular  
12 machine or piece of equipment.

13 Sec. 18. Section 423.3, Code 2013, is amended by adding the  
14 following new subsection:

15 NEW SUBSECTION. 99. The sales price from services furnished  
16 by forestry consultants and forestry vendors engaged in  
17 forestry practices on private or public land.

18 DIVISION III

19 IOWA FUND OF FUNDS

20 Sec. 19. Section 15E.62, Code 2013, is amended by adding the  
21 following new subsections:

22 NEW SUBSECTION. 03. "*Creditor*" means a person, including  
23 an assignee of or successor to such person, who extends credit  
24 or makes a loan to the Iowa fund of funds or to a designated  
25 investor, and includes any person who refinances such credit  
26 or loan.

27 NEW SUBSECTION. 04. "*Fund documents*" means all agreements  
28 relating to matters under the purview of this division VII  
29 entered into prior to the effective date of this division of  
30 this Act between or among the state, the Iowa fund of funds, a  
31 fund allocation manager or similar manager, the Iowa capital  
32 investment corporation, the board, a creditor, a designated  
33 investor, and a private seed or venture capital partnership,  
34 and includes other documents having the same force and effect  
35 between or among such parties, as any of the foregoing may be

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1 amended, modified, restated, or replaced from time to time.

2 Sec. 20. Section 15E.65, subsection 2, paragraph h, Code  
3 2013, is amended to read as follows:

4 ~~h. Fifty years after the organization of the Iowa fund~~  
5 ~~of funds~~ As soon as practicable after the effective date  
6 of this division of this Act, the Iowa capital investment  
7 corporation, in conjunction with the department of revenue,  
8 the board, and the attorney general, shall wind up the Iowa  
9 fund of funds pursuant to section 15E.72 and shall cause the  
10 Iowa fund of funds to be liquidated with all of its assets  
11 distributed to its owners in accordance with the provisions of  
12 its organizational documents and in accordance with the fund  
13 documents. In liquidating such assets, the capital investment  
14 corporation, the department of revenue, the board, and the  
15 attorney general shall act with prudence and caution in order  
16 to minimize costs and fees and to preserve investment assets to  
17 the extent reasonably possible.

18 Sec. 21. NEW SECTION. 15E.72 Program wind-up and future  
19 repeal.

20 1. *Findings.* The general assembly finds that the Iowa fund  
21 of funds program established pursuant to this division has  
22 not fulfilled the purposes described in section 15E.61 to the  
23 extent necessary to justify the fifty-year timeframe for the  
24 program that was originally envisioned in this division VII and  
25 that an early and orderly wind-up of the program is desirable.

26 2. *Organization of additional funds prohibited.*  
27 Notwithstanding section 15E.65, an Iowa fund of funds shall not  
28 be organized on or after the effective date of this division  
29 of this Act.

30 3. *New investments by the fund of funds prohibited.*  
31 Notwithstanding section 15E.65, the Iowa fund of funds shall  
32 not make new investments in private seed and venture capital  
33 partnerships or entities on or after the effective date of this  
34 division of this Act except as required by the fund documents.

35 4. *New investments by designated investors prohibited.*



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1     *a.* Except as provided in paragraph “b”, and notwithstanding  
2 any other provision in this division VII, a designated investor  
3 shall not invest in the Iowa fund of funds on or after the  
4 effective date of this division of this Act.

5     *b.* Notwithstanding the prohibition in paragraph “a”, a  
6 designated investor may invest in the Iowa fund of funds on or  
7 after the effective date of this division of this Act to the  
8 extent such investment is required by the fund documents. In  
9 addition, the director of revenue, with the approval of the  
10 attorney general, may authorize additional investment in the  
11 Iowa fund of funds but only if such an investment is necessary  
12 to preserve fund assets, repay creditors, pay taxes, or  
13 otherwise effectuate an orderly wind-up of the program pursuant  
14 to this section.

15     5. *Issuance, verification, and redemption of new certificates*  
16 *prohibited.*

17     *a.* Except as provided in paragraph “b”, and notwithstanding  
18 any other provision in this division VII, the board shall not  
19 issue, verify, or redeem a certificate or a related tax credit  
20 on or after the effective date of this division of this Act.

21     *b.* Notwithstanding the prohibition in paragraph “a”, the  
22 board may issue, redeem, or verify a certificate or a related  
23 tax credit under any of the following conditions:

24         (1) The board is required to do so under the terms of the  
25 fund documents.

26         (2) The issuance, redemption, or verification is deemed  
27 necessary by the director of revenue and the attorney general  
28 in order to arrange new financing terms with a creditor.

29         (3) The issuance, redemption, or verification is deemed  
30 necessary by the director of revenue and the attorney general  
31 to preserve fund assets, repay creditors, or otherwise  
32 effectuate an orderly wind-up of the program pursuant to this  
33 section.

34     6. *New fund allocation managers prohibited.*

35     *a.* Notwithstanding any other provision in this division



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1 VII, the Iowa capital investment corporation shall not have  
2 authority to solicit, select, terminate, or change a fund  
3 allocation manager or similar manager on or after the effective  
4 date of this division of this Act.

5     **b.** On or after the effective date of this division of this  
6 Act, all decisions pertaining to relationships with a fund  
7 allocation manager or similar manager selected prior to the  
8 effective date of this division of this Act shall be made  
9 by the director of revenue with the approval of the attorney  
10 general. This subsection shall not be construed to impair the  
11 terms of the fund documents.

12     **7. *Pledging of certificates prohibited.***

13     **a.** Except as provided in paragraph "b", and notwithstanding  
14 any other provision of law to the contrary, a certificate and a  
15 related tax credit or verified tax credit issued by the board  
16 shall not be pledged by a designated investor as security for  
17 a loan on or after the effective date of this division of this  
18 Act.

19     **b.** Notwithstanding the prohibition in paragraph "a", a  
20 certificate and related tax credit or verified tax credit  
21 issued by the board may be pledged by a designated investor as  
22 security for a loan to the extent such pledge is required by  
23 the fund documents. In addition, the board, with the approval  
24 of the director of revenue and the attorney general, may  
25 authorize a certificate and related tax credit to be pledged  
26 as security for a loan or an extension of credit, but only  
27 if such a pledge is necessary to arrange new financing terms  
28 with a creditor or to repay creditors for moneys loaned to a  
29 designated investor.

30     **8. *Rural and small business loan guarantees prohibited.***

31 Notwithstanding any other provision in this division VII  
32 to the contrary, the Iowa capital investment corporation  
33 shall not make rural and small business loan guarantees or  
34 otherwise administer a program to provide loan guarantees and  
35 other related credit enhancements on loans to rural and small

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1 business borrowers within the state of Iowa on or after the  
2 effective date of this division of this Act.

3 9. *Iowa capital investment corporation purposes amended.*

4 Notwithstanding section 15E.64, on or after the effective date  
5 of this division of this Act, the purposes of the Iowa capital  
6 investment corporation shall be to comply with its obligations  
7 under the fund documents and to assist the board, the director  
8 of revenue, and the attorney general in effectuating the  
9 orderly wind-up of the Iowa fund of funds. In effectuating  
10 such a wind-up, the Iowa capital investment corporation shall  
11 comply with all reasonable requests by the board, the director  
12 of revenue, the attorney general, or the auditor of state.

13 10. *Use of revolving fund prohibited.*

14 a. Notwithstanding section 15E.65, subsection 2, paragraph  
15 "a", on or after the effective date of this division of this  
16 Act, all investment returns received by the Iowa capital  
17 investment corporation that are in excess of those payable to  
18 designated investors shall be deposited in the general fund of  
19 the state.

20 b. This subsection shall not be construed to impair the  
21 terms of the fund documents. It is the intent of the general  
22 assembly that this subsection only applies in the event that  
23 there are investment returns in excess of those necessary to  
24 repay creditors and designated investors under the terms of the  
25 fund documents.

26 11. *Preservation of existing rights.* This section is not  
27 intended to and shall not limit, modify, or otherwise adversely  
28 affect the fund documents, including any certificate or related  
29 tax credit issued before the effective date of this division  
30 of this Act.

31 12. *Future repeal.* This division VII is repealed upon the  
32 occurrence of one of the following, whichever is earlier:

33 a. The expiration or termination of all fund documents. The  
34 director of revenue shall notify the Iowa Code editor upon the  
35 occurrence of this condition.

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1     *b.* December 31, 2027.

2     Sec. 22. EFFECTIVE UPON ENACTMENT. This division of this  
3 Act, being deemed of immediate importance, takes effect upon  
4 enactment.

5                                   DIVISION IV

6                                   REPLACEMENT TAXES

7     Sec. 23. Section 437A.15, subsection 7, paragraph b, Code  
8 2013, is amended to read as follows:

9     *b.* The task force shall study the effects of the replacement  
10 tax on local taxing authorities, local taxing districts,  
11 consumers, and taxpayers through January 1, ~~2013~~ 2016. If the  
12 task force recommends modifications to the replacement tax that  
13 will further the purposes of tax neutrality for local taxing  
14 authorities, local taxing districts, taxpayers, and consumers,  
15 consistent with the stated purposes of this chapter, the  
16 department of management shall transmit those recommendations  
17 to the general assembly.

18                                   DIVISION V

19                                   STUDY REPORT

20     Sec. 24. ADMINISTRATIVE APPEALS PROCESS FOR TAX MATTERS  
21 AND NEW TAX APPEAL BOARD — REPORT. The department of  
22 revenue, in consultation with the department of management  
23 and other interested stakeholders, shall study the  
24 independence, effectiveness, and fairness of the state's  
25 current administrative appeals processes for tax matters and  
26 shall make recommendations for changes, if necessary, and  
27 shall additionally study the desirability, practicality, and  
28 feasibility of replacing components of these processes with  
29 a new consolidated and independent administrative appeals  
30 board for tax matters within the executive branch to resolve  
31 disputes between the department of revenue and taxpayers. The  
32 department of revenue shall prepare and file a report detailing  
33 its findings and recommendations with the chairpersons and  
34 ranking members of the ways and means committees of the senate  
35 and the house of representatives and with the legislative

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1 services agency by January 8, 2014. This section of this Act  
2 shall not be construed to provide the department of revenue  
3 with the power or authority to eliminate or in any way modify  
4 the property assessment appeals board created pursuant to  
5 section 421.1A.

6 DIVISION VI

7 SECURE AN ADVANCED VISION FOR EDUCATION FUND

8 Sec. 25. Section 423F.2, subsection 1, paragraph b, Code  
9 2013, is amended to read as follows:

10 b. The increase in the state sales, services, and use taxes  
11 under chapter 423, subchapters II and III, from five percent  
12 to six percent shall replace the repeal of the county's local  
13 sales and services tax for school infrastructure purposes. The  
14 distribution of moneys in the secure an advanced vision for  
15 education fund and the use of the moneys for infrastructure  
16 purposes or property tax relief shall be as provided in this  
17 chapter. ~~However, the formula for the distribution of the~~  
18 ~~moneys in the fund shall be based upon amounts that would have~~  
19 ~~been received if the local sales and services taxes under~~  
20 ~~former chapter 423E, Code and Code Supplement 2007, continued~~  
21 ~~in existence.~~

22 Sec. 26. Section 423F.2, subsection 3, Code 2013, is amended  
23 to read as follows:

24 3. The moneys available in a fiscal year in the secure an  
25 advanced vision for education fund shall be distributed by the  
26 department of revenue to each school district ~~in an amount~~  
27 ~~equal to the amount the school district would have received~~  
28 ~~pursuant to the formula in section 423E.4 as if the local sales~~  
29 ~~and services tax for school infrastructure purposes was imposed~~  
30 on a per pupil basis calculated using each school district's  
31 budget enrollment, as defined in section 257.6, for that fiscal  
32 year. Moneys in a fiscal year that are in excess of that needed  
33 to provide each school district with its formula amount Prior  
34 to distribution of moneys in the secure an advanced vision for  
35 education fund to school districts, two and one-tenths percent

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1 of the moneys available in a fiscal year shall be distributed  
2 and credited to the property tax equity and relief fund created  
3 in section 257.16A.

4 Sec. 27. APPLICABILITY. This division of this Act applies  
5 to fiscal years beginning on or after July 1, 2014.

6 EXPLANATION

7 This bill relates to the policy administration of the  
8 tax and related laws of the department of revenue, including  
9 the administration of income taxes, sales and use taxes, the  
10 orderly wind-up and eventual repeal of the Iowa fund of funds  
11 program, a study report related to the current administrative  
12 appeals process for tax matters and the possible creation of  
13 a new tax appeal board.

14 DIVISION I — INCOME TAXES. The division amends the  
15 allocation of income provisions in Code sections 422.5 and  
16 422.8 to provide that an estate or trust with a situs in Iowa  
17 that is a shareholder in an S corporation is eligible to claim  
18 the S corporation apportionment credit.

19 The division amends the income tax return filing  
20 requirements for partnerships in Code section 422.15. Under  
21 current law, partnerships are required to file an Iowa return  
22 if they have a place of business in the state. The division  
23 provides that partnerships are required to file an Iowa return  
24 if they are doing business in the state, or are deriving income  
25 from sources within this state. "Income from sources within  
26 this state" means income from real, tangible, or intangible  
27 property located or having a situs in this state.

28 The division repeals the assistive device tax credit  
29 available for the corporate income tax in Code section 422.33  
30 and repeals the disaster recovery housing project tax credit  
31 for the individual and corporate income tax in Code sections  
32 16.211 and 16.212, and makes various conforming amendments to  
33 remove references to these credits throughout the Code.

34 The division takes effect upon enactment and the provisions  
35 amending Code sections 422.5, 422.8, and 422.15 apply

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1 retroactively to January 1, 2013, for tax years beginning on  
2 or after that date.

3 DIVISION II — SALES AND USE TAXES. The division amends Code  
4 section 421.16, which relates to the imposition of personal  
5 liability against officers of corporations or associations,  
6 members or managers of limited liability companies, or partners  
7 of partnerships, for certain taxes if the individual has  
8 control or supervision of or the authority for remitting the  
9 taxes and a substantial equitable interest in the ownership of  
10 the business. The division provides that personal liability  
11 can also be asserted against these individuals for repayment  
12 of a sales and use tax refund received by a business under Code  
13 section 15.331A, which repayment can occur when a business  
14 fails to meet its contractual obligations under the economic  
15 development authority's enterprise zone program or high quality  
16 jobs program.

17 The division exempts from the state sales and use tax private  
18 security and detective services furnished by a peace officer  
19 with the knowledge and consent of the chief executive officer  
20 of the peace officer's law enforcement agency.

21 The division makes several amendments to the sales tax  
22 exemption in Code section 423.3(47) for the purchase or rental  
23 of certain items used in processing by a manufacturer. First,  
24 the sales tax exemption is amended to include consumable  
25 supplies. "Consumable supplies" is defined as tangible  
26 personal property that is consumed or expended during the  
27 manufacture of other tangible personal property, and includes  
28 but is not limited to oils, greases, hydraulic fluids,  
29 coolants, and lubricants.

30 Second, the sales tax exemption adds the language of the  
31 definition of "manufacturer" in Code section 428.20, and  
32 strikes the reference to that Code section. The definition of  
33 "manufacturer" is further amended to provide that it shall not  
34 be construed to require that a person be primarily engaged in  
35 an activity listed in the definition in order to qualify as a



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1 manufacturer for purposes of the sales tax exemption.  
2 Finally, "replacement part" is defined for purposes of the  
3 sales tax exemption to mean tangible personal property that  
4 is not a consumable supply, not a jig, die, tool, or other  
5 device that is used in conjunction with machinery or equipment,  
6 and that is specially designed for use in manufacturing  
7 specific products and that may be used interchangeably and  
8 intermittently on a particular machine or piece of equipment,  
9 and which further meets the conditions of being property that  
10 replaces a separate component of a computer, machinery, or  
11 equipment, performs the same function as that component, and  
12 restores or improves the computer, machinery, or equipment.  
13 The division amends the definitions of "agricultural  
14 production" and "agricultural products" for purposes of Code  
15 chapter 423 to include production from silvicultural activities  
16 and products of silviculture. Both definitions are applicable  
17 to several sales tax exemptions in current Code section 423.3.  
18 The division exempts from the sales and use tax services  
19 furnished by forestry consultants and forestry vendors engaged  
20 in forestry practices on private or public land.  
21 DIVISION III — IOWA FUND OF FUNDS. The division provides  
22 for an orderly wind-up and eventual repeal of the Iowa fund  
23 of funds program in accordance with the provisions of its  
24 organizational documents and with the terms of the fund  
25 documents. "Fund documents" is defined as all the agreements  
26 entered into prior to the effective date of the division  
27 between or among the state, the Iowa fund of funds, a fund  
28 allocation manager or similar manager, the Iowa capital  
29 investment corporation, the board, a creditor (as defined in  
30 the division), a designated investor, and a private seed or  
31 venture capital partnership, and includes other documents  
32 having the same force and effect between or among such parties  
33 as any of the foregoing may be amended, modified, restated, or  
34 replaced from time to time. The division creates a new Code  
35 section 15E.72 that will govern the wind-up and repeal.



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1 The division prohibits a new Iowa fund of funds from being  
2 organized and prohibits any new investments from being made by  
3 the existing Iowa fund of funds in private seed and venture  
4 capital partnerships or entities except as required by the  
5 fund documents. The division prohibits a new investment by  
6 a designated investor in the Iowa fund of funds unless it is  
7 required by the fund documents or the director of revenue and  
8 attorney general determine such an investment is necessary to  
9 preserve fund assets, repay creditors, pay taxes, or otherwise  
10 effectuate an orderly wind-up of the program. The division  
11 prohibits the Iowa capital investment board from issuing,  
12 redeeming, or verifying a certificate or related tax credit,  
13 including a verified tax credit, unless the board is required  
14 to do so under the terms of the fund documents, unless it is  
15 deemed necessary by the director of revenue and the attorney  
16 general in order to arrange new financing with a creditor, or  
17 unless it is deemed necessary by the director of revenue and  
18 the attorney general to preserve fund assets, repay creditors,  
19 or otherwise effectuate an orderly wind-up of the program.

20 The division prohibits the Iowa capital investment  
21 corporation from soliciting, selecting, terminating, or  
22 changing a fund allocation manager or similar manager. All  
23 decisions pertaining to relationships with a fund allocation  
24 manager will now be made by the director of revenue with the  
25 approval of the attorney general.

26 The division prohibits a certificate and related tax credit  
27 from being pledged as security for a loan or an extension of  
28 credit unless such a pledge is required by the fund documents  
29 or unless the director of revenue and the attorney general  
30 authorize such a pledge to be made because it is necessary to  
31 arrange new financing terms with a creditor or repay creditors  
32 for moneys loaned to a designated investor.

33 The division prohibits the Iowa capital investment  
34 corporation from making rural and small business loan  
35 guarantees or from otherwise administering a program to provide

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1 such loan guarantees or related credit enhancements on loans to  
2 rural and small business borrowers.

3 The division amends the purposes of the Iowa capital  
4 investment corporation to provide that its purpose shall be  
5 to comply with its obligations under the fund documents and  
6 to assist the Iowa capital investment board, the director of  
7 revenue, and the attorney general in effectuating an orderly  
8 wind-up of the Iowa fund of funds and in doing so shall comply  
9 with all reasonable requests of these entities or the auditor  
10 of state.

11 The division prohibits the Iowa capital investment  
12 corporation from depositing returns in excess of those payable  
13 to designated investors in a revolving fund and instead  
14 mandates that those amounts be deposited in the general fund of  
15 the state. This requirement shall not be construed to impair  
16 the terms of the fund documents.

17 The division provides that new Code section 15E.72 is not  
18 intended to and shall not limit, modify, or otherwise adversely  
19 affect the fund documents, including certificates and related  
20 tax credits issued before the effective date of the division.

21 Finally, the division provides that the Iowa fund of funds is  
22 repealed upon the earlier of December 31, 2027, or the date all  
23 fund documents expire.

24 The division takes effect upon enactment.

25 DIVISION IV — REPLACEMENT TAXES. The division extends  
26 through January 1, 2016, the replacement tax task force which  
27 expired on January 1, 2013.

28 DIVISION V — STUDY REPORT. The division establishes a  
29 report to be prepared and filed by the department of revenue.  
30 The department of revenue, in consultation with the department  
31 of management and other interested stakeholders, shall study  
32 the current administrative appeals processes for tax matters  
33 and make recommendations for changes if necessary, and also  
34 study the possibility of creating a new consolidated tax  
35 appeal board. The report detailing any recommended changes

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1 or findings shall be filed with the chairperson and ranking  
2 members of the ways and means committees of the senate and the  
3 house of representatives and with the legislative services  
4 agency by January 8, 2014. The division provides that the  
5 study report shall not be construed to provide the department  
6 of revenue with the power or authority to eliminate or in any  
7 way modify the property assessment appeals board.

8 DIVISION VI — SECURE AN ADVANCED VISION FOR EDUCATION FUND.

9 The division modifies provisions relating to the allocation  
10 and distribution of moneys from the secure an advanced vision  
11 for education fund to provide that moneys shall be distributed  
12 to school districts on a per pupil basis, calculated using  
13 each school district's budget enrollment for the fiscal year.  
14 The division also provides that prior to the distribution  
15 of moneys, 2.1 percent of the moneys available shall be  
16 distributed and credited to the property tax equity and relief  
17 fund. The division applies to fiscal years beginning on or  
18 after July 1, 2014.



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House Amendment to  
Senate File 272

S-3141

1 Amend Senate File 272, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 2, after line 10 by inserting:

4 <DIVISION \_\_\_\_\_  
5 EMINENT DOMAIN

6 Sec. \_\_\_\_\_. **NEW SECTION. 6A.15 Property on state  
7 historic registry.**

8 1. Property listed on the state register of  
9 historic places maintained by the historical division  
10 of the department of cultural affairs shall not be  
11 removed from the register solely for the purpose of  
12 allowing acquisition of the property by condemnation,  
13 unless such condemnation is undertaken by the  
14 department of transportation.

15 2. Property listed on the state register of  
16 historic places maintained by the historical division  
17 of the department of cultural affairs shall not be  
18 condemned by the state or a political subdivision  
19 unless a joint resolution authorizing commencement of  
20 the condemnation proceedings is approved by a vote of  
21 at least two-thirds of the members of both chambers  
22 of the general assembly and signed by the governor.  
23 The approval requirements of this subsection shall not  
24 apply to condemnation undertaken by the department of  
25 transportation.

26 Sec. \_\_\_\_\_. Section 6A.19, Code 2013, is amended to  
27 read as follows:

28 **6A.19 Interpretative clause.**

29 A grant in this chapter of right to take private  
30 property for a public use shall not be construed as  
31 limiting a like grant elsewhere in the Code for another  
32 and different use. Unless specifically provided by  
33 law, this chapter shall not be construed to limit or  
34 otherwise affect the application of chapters 478 and  
35 479 to the eminent domain authority of the utilities  
36 division of the department of commerce.

37 Sec. \_\_\_\_\_. Section 6A.22, subsection 2, paragraph  
38 c, subparagraph (1), Code 2013, is amended to read as  
39 follows:

40 (1) (a) If private property is to be condemned for  
41 development or creation of a lake, only that number  
42 of acres justified as reasonable and necessary for  
43 a surface drinking water source, and not otherwise  
44 acquired, may be condemned. In addition, the acquiring  
45 agency shall conduct a review of prudent and feasible  
46 alternatives to provision of a drinking water source  
47 prior to making a determination that such lake  
48 development or creation is reasonable and necessary.  
49 Development or creation of a lake as a surface drinking  
50 water source includes all of the following:

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1 (i) Construction of the dam, including sites for  
2 suitable borrow material and the auxiliary spillway.  
3 (ii) The water supply pool.  
4 (iii) The sediment pool.  
5 (iv) The flood control pool.  
6 (v) The floodwater retarding pool.  
7 (vi) The surrounding area upstream of the dam  
8 no higher in elevation than the top of the dam's  
9 elevation.  
10 (vii) The appropriate setback distance required  
11 by state or federal laws and regulations to protect  
12 drinking water supply.  
13 (b) For purposes of this subparagraph (1), "number  
14 of acres justified as reasonable and necessary for  
15 a surface drinking water source" means according to  
16 guidelines of the United States natural resource  
17 conservation service and according to analyses of  
18 surface drinking water capacity needs conducted  
19 by one or more registered professional engineers.  
20 The registered professional engineers may, if  
21 appropriate, employ standards or guidelines other  
22 than the guidelines of the United States natural  
23 resource conservation service when determining the  
24 number of acres justified as reasonable and necessary  
25 for a surface drinking water source. The data and  
26 information used by the registered professional  
27 engineers shall include data and information relating  
28 to population and commercial enterprise activity for  
29 the area from the two most recent federal decennial  
30 censuses unless the district court of the county in  
31 which the property is situated has determined by a  
32 preponderance of the evidence that such data would  
33 not accurately predict the population and commercial  
34 enterprise activity of the area in the future.  
35 (c) A second review or analysis of the drinking  
36 water capacity needs shall be performed upon receipt  
37 by the acquiring agency of a petition signed by not  
38 less than twenty-five percent of the affected property  
39 owners. The registered professional engineer to  
40 perform the second review or analysis shall be selected  
41 by a committee appointed by the affected property  
42 owners and whose membership is comprised of at least  
43 fifty percent property owners affected by the proposed  
44 condemnation action. The acquiring agency shall be  
45 responsible for paying the fees and expenses of such  
46 an engineer.  
47 (d) If private property is to be condemned for  
48 development or creation of a lake, the plans, analyses,  
49 applications, including any application for funding,  
50 and other planning activities of the acquiring agency

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1 shall not include or provide for the use of the lake  
2 for recreational purposes.

3 Sec. \_\_\_\_\_. Section 6B.54, subsection 10, paragraph  
4 a, Code 2013, is amended by adding the following new  
5 subparagraph:

6 NEW SUBPARAGRAPH. (3) Reasonable attorney fees and  
7 reasonable costs not to exceed one hundred thousand  
8 dollars, attributable to a determination that the  
9 creation of a lake through condemnation includes a  
10 future recreational use or that a violation of section  
11 6A.22, subsection 2, paragraph "c", subparagraph (1),  
12 subparagraph division (d), has occurred, if such fees  
13 and costs are not otherwise provided under section  
14 6B.33.

15 Sec. \_\_\_\_\_. NEW SECTION. 6B.56B Disposition of  
16 condemned property — two-year time period.

17 1. When two years have elapsed since property  
18 was condemned for the creation of a lake according  
19 to the requirements of section 6A.22, subsection 2,  
20 paragraph "c", subparagraph (1), and the property has  
21 not been used for or construction has not progressed  
22 substantially from the date the property was condemned  
23 for the purpose stated in the application filed  
24 pursuant to section 6B.3, and the acquiring agency has  
25 not taken action to dispose of the property pursuant  
26 to section 6B.56, the acquiring agency shall, within  
27 sixty days, adopt a resolution offering the property  
28 for sale to the prior owner at a price as provided in  
29 section 6B.56. If the resolution adopted approves an  
30 offer of sale to the prior owner, the offer shall be  
31 made in writing and mailed by certified mail to the  
32 prior owner. The prior owner has one hundred eighty  
33 days after the offer is mailed to purchase the property  
34 from the acquiring agency.

35 2. If the acquiring agency has not adopted a  
36 resolution described in subsection 1 within the  
37 sixty-day time period, the prior owner may, in writing,  
38 petition the acquiring agency to offer the property  
39 for sale to the prior owner at a price as provided in  
40 section 6B.56. Within sixty days after receipt of  
41 such a petition, the acquiring agency shall adopt a  
42 resolution described in subsection 1. If the acquiring  
43 agency does not adopt such a resolution within sixty  
44 days after receipt of the petition, the acquiring  
45 agency is deemed to have offered the property for sale  
46 to the prior owner.

47 3. The acquiring agency shall give written notice  
48 to the owner of the right to purchase the property  
49 under this section at the time damages are paid to the  
50 owner.

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1     Sec. \_\_\_\_\_. Section 403.7, subsection 1, unnumbered  
2 paragraph 1, Code 2013, is amended to read as follows:  
3     A municipality shall have the right to acquire by  
4 condemnation any interest in real property, including a  
5 fee simple title thereto, which it may deem necessary  
6 for or in connection with an urban renewal project  
7 under this chapter, subject to the limitations on  
8 eminent domain authority in ~~chapter~~ chapters 6A and 6B.  
9 However, a municipality shall not condemn agricultural  
10 land included within an economic development area  
11 for any use unless the owner of the agricultural land  
12 consents to condemnation or unless the municipality  
13 determines that the land is necessary or useful for any  
14 of the following:  
15     Sec. \_\_\_\_\_. NEW SECTION. 423B.11 Use of revenues —  
16 limitation.  
17     The revenue raised by a local sales and services  
18 tax imposed under this chapter by a county shall not  
19 be expended for any purpose related to a project that  
20 includes the condemnation of private property for  
21 the creation of a lake according to the requirements  
22 of section 6A.22, subsection 2, paragraph "c",  
23 subparagraph (1), if the local sales and services tax  
24 has not been approved at election in the area where the  
25 property to be condemned is located.  
26     Sec. \_\_\_\_\_. Section 455A.5, Code 2013, is amended by  
27 adding the following new subsection:  
28     NEW SUBSECTION. 7. The authority granted to the  
29 commission to acquire real property for purposes  
30 of carrying out a duty related to development or  
31 maintenance of the recreation resources of the state,  
32 including planning, acquisition, and development of  
33 recreational projects, and areas and facilities related  
34 to such projects, shall not include the authority to  
35 acquire real property by eminent domain.  
36     Sec. \_\_\_\_\_. Section 456A.24, subsection 2, unnumbered  
37 paragraph 1, Code 2013, is amended to read as follows:  
38     Acquire by purchase, ~~condemnation~~, lease, agreement,  
39 gift, and devise lands or waters suitable for the  
40 purposes hereinafter enumerated, and rights-of-way  
41 thereto, and to maintain the same for the following  
42 purposes, ~~to wit~~:  
43     Sec. \_\_\_\_\_. Section 456A.24, Code 2013, is amended by  
44 adding the following new subsection:  
45     NEW SUBSECTION. 15. The authority granted the  
46 department to acquire real property for any statutory  
47 purpose relating to the development or maintenance  
48 of the recreation resources of the state, including  
49 planning, acquisition, and development of recreational  
50 projects, and areas and facilities related to such

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1 projects, shall not include the authority to acquire  
2 real property by eminent domain.

3 Sec. \_\_\_\_\_. Section 461A.7, Code 2013, is amended to  
4 read as follows:

5 **461A.7 Eminent domain Purchase of lands — public**  
6 **parks.**

7 The commission may purchase ~~or condemn~~ lands from  
8 willing sellers for public parks. ~~No~~ A contract for  
9 the purchase of such public parks shall not be made to  
10 an amount in excess of funds appropriated therefor by  
11 the general assembly.

12 Sec. \_\_\_\_\_. Section 461A.10, Code 2013, is amended to  
13 read as follows:

14 **461A.10 Title to lands.**

15 The title to all lands purchased, ~~condemned~~, or  
16 donated, hereunder, for park ~~or highway~~ purposes and  
17 the title to all lands purchased, condemned, or donated  
18 hereunder for highway purposes, shall be taken in the  
19 name of the state and if thereafter it shall be deemed  
20 advisable to sell any portion of the land so purchased  
21 or condemned, the proceeds of such sale shall be placed  
22 to the credit of the ~~said~~ public state parks fund to be  
23 used for such park purposes.

24 Sec. \_\_\_\_\_. Section 463C.8, subsection 1, paragraph  
25 k, Code 2013, is amended to read as follows:

26 k. The power to acquire, own, hold, administer,  
27 and dispose of property, except that such power is not  
28 a grant of authority to acquire property by eminent  
29 domain.

30 Sec. \_\_\_\_\_. REPEAL. Sections 461A.9 and 461A.75,  
31 Code 2013, are repealed.

32 Sec. \_\_\_\_\_. SEVERABILITY. If any provision of this  
33 division of this Act is held invalid, the invalidity  
34 shall not affect other provisions or applications of  
35 this division of this Act which can be given effect  
36 without the invalid provision, and to this end the  
37 provisions of this division of this Act are severable  
38 as provided in section 4.12.

39 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. This division  
40 of this Act, being deemed of immediate importance,  
41 takes effect upon enactment.

42 Sec. \_\_\_\_\_. APPLICABILITY. Except as otherwise  
43 provided in this division of this Act, this division  
44 of this Act applies to projects or condemnation  
45 proceedings pending or commenced on or after the  
46 effective date of this division of this Act.

47 Sec. \_\_\_\_\_. RETROACTIVE APPLICABILITY.  
48 Notwithstanding any provision of law to the contrary,  
49 the following provision or provisions of this division  
50 of this Act apply retroactively to projects or



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1 condemnation proceedings pending or commenced on or  
2 after February 15, 2013:  
3 1. The section of this division of this Act  
4 amending section 6A.22.  
5 2. The section of this division of this Act  
6 enacting section 6B.56B.>  
7 2. Title page, by striking lines 1 and 2 and  
8 inserting <An Act relating to the use of public and  
9 private land, including the registration and titling>  
10 3. Title page, line 4, after <program> by inserting  
11 <, and to eminent domain authority and procedures, and  
12 including effective date, retroactive applicability,  
13 and other applicability provisions>  
14 4. By renumbering as necessary.



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House Amendment to  
Senate File 358

S-3142

- 1 Amend Senate File 358, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. By striking page 2, line 35, through page 3,  
4 line 5, and inserting:  
5 4. *a.* A vendee of a real estate contract or bond  
6 for deed, the vendor of which is barred by this section  
7 from maintaining an action to foreclose or enforce  
8 the contract or bond, or a vendee who is entitled  
9 to immediate issuance of a deed in fulfillment of  
10 contract or bond and who is in physical possession of  
11 the property, may serve the vendor with a demand for a  
12 deed as provided in the contract. For purposes of this  
13 subsection, "vendee" includes a vendee's successor in  
14 interest. The notice may be served personally>  
15 2. By renumbering as necessary.



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House Amendment to  
Senate File 224

S-3143

1 Amend Senate File 224, as passed by the Senate, as  
2 follows:  
3 1. Page 1, after line 15 by inserting:  
4 <Sec. \_\_\_\_\_. Section 321.190, subsection 1, paragraph  
5 d, Code 2013, is amended to read as follows:  
6 d. The fee for a nonoperator's identification  
7 card shall be five eight dollars and the card shall  
8 be valid for a period of five eight years from the  
9 date of issuance. ~~A nonoperator's identification~~  
10 ~~card shall be issued without expiration to anyone age~~  
11 ~~seventy or over.~~ If an applicant for a nonoperator's  
12 identification card is a foreign national who is  
13 temporarily present in this state, the nonoperator's  
14 identification card shall be issued only for the  
15 length of time the foreign national is authorized to be  
16 present as determined by the department, not to exceed  
17 two years. An issuance fee shall not be charged for  
18 a person whose driver's license or driving privilege  
19 has been suspended under section 321.210, subsection  
20 1, paragraph "a", subparagraph (3), or voluntarily  
21 surrendered by the person in lieu of suspension under  
22 section 321.210, subsection 1, paragraph "a".  
23 2. Page 1, after line 31 by inserting:  
24 <Sec. \_\_\_\_\_. Section 321.196, subsection 1, Code  
25 2013, is amended to read as follows:  
26 1. Except as otherwise provided, if the licensee  
27 is between the ages of seventeen years eleven months  
28 and seventy-two years on the date of issuance of the  
29 license, a driver's license, other than an instruction  
30 permit, chauffeur's instruction permit, or commercial  
31 driver's instruction permit issued under section  
32 321.180, expires five eight years from the licensee's  
33 birthday anniversary occurring in the year of issuance  
34 ~~if the licensee is between the ages of seventeen years~~  
35 ~~eleven months and seventy years on the date of issuance~~  
36 ~~of the license, but not to exceed the licensee's~~  
37 seventy-fourth birthday. If the licensee is under the  
38 age of seventeen years eleven months or age ~~seventy~~  
39 ~~seventy-two~~ or over, the license is effective for  
40 a period of two years from the licensee's birthday  
41 anniversary occurring in the year of issuance. A  
42 licensee whose license is restricted due to vision  
43 or other physical deficiencies may be required to  
44 renew the license every two years. If a licensee  
45 is a foreign national who is temporarily present in  
46 this state, the license shall be issued only for the  
47 length of time the foreign national is authorized to be  
48 present as verified by the department, not to exceed  
49 two years.  
50 Sec. \_\_\_\_\_. EFFECTIVE UPON ENACTMENT. The following

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1 provision or provisions of this Act, being deemed of  
2 immediate importance, take effect upon enactment:  
3 1. The section of this Act amending section  
4 321.190, subsection 1, paragraph "d".  
5 2. The section of this Act amending section  
6 321.196, subsection 1.  
7 3. Title page, line 1, after <to> by inserting  
8 <the period of validity of driver's licenses and  
9 nonoperator's identification cards,>  
10 4. Title page, line 3, by striking <cards.>  
11 and inserting <cards, and including effective date  
12 provisions.>  
13 5. By renumbering as necessary.



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House File 355

S-3144

1 Amend House File 355, as passed by the House, as  
2 follows:  
3 1. Page 1, line 14, after <department.> by  
4 inserting <An applicant shall not be eligible for  
5 electronic renewal of a driver's license if the most  
6 recent previous renewal of the applicant's driver's  
7 license occurred electronically.>

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TOD R. BOWMAN





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Senate File 435

S-3145

- 1 Amend Senate File 435 as follows:
- 2 1. Page 15, line 29, by striking <3,237,636> and
- 3 inserting <3,487,636>

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DR. JOE M. SENG

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DENNIS H. BLACK

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ROBERT E. DVORSKY



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**Senate File 438 - Introduced**

SENATE FILE 438  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 426)  
(SUCCESSOR TO SSB 1225)

**A BILL FOR**

1 An Act relating to real estate broker and real estate  
2 salesperson licensing fees and allocations from those fees,  
3 and making an appropriation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 543B.14, Code 2013, is amended to read  
2 as follows:

3 **543B.14 Fees and expenses — funds.**

4 All fees and charges collected by the real estate commission  
5 under this chapter shall be paid into the general fund of the  
6 state, except that ~~fifty~~ twenty-five dollars from each real  
7 estate salesperson's license fee and each broker's license  
8 ~~shall be paid into the Iowa real estate education fund created~~  
9 ~~in section 543B.54~~ fee is appropriated to the professional  
10 licensing and regulation bureau of the banking division of  
11 the department of commerce for the purpose of hiring and  
12 compensating a real estate education director and regulatory  
13 compliance personnel. All expenses incurred by the commission  
14 under this chapter, including compensation of staff assigned to  
15 the commission, shall be paid from funds appropriated for those  
16 purposes, ~~except for expenses incurred and compensation paid~~  
17 ~~for the real estate education director, which shall be paid out~~  
18 ~~of the real estate education fund.~~

19 Sec. 2. Section 546.10, subsection 3, paragraph b, Code  
20 2013, is amended to read as follows:

21 *b.* Notwithstanding subsection 5, eighty-five percent of the  
22 funds received annually resulting from an increase in licensing  
23 fees implemented on or after April 1, 2002, by a licensing  
24 board or commission listed in subsection 1, is appropriated  
25 to the professional licensing and regulation bureau to be  
26 allocated to the board or commission for the fiscal year  
27 beginning July 1, 2002, and succeeding fiscal years, for  
28 purposes related to the duties of the board or commission,  
29 including but not limited to additional full-time equivalent  
30 positions. In addition, notwithstanding subsection 5,  
31 twenty-five dollars from each real estate salesperson's license  
32 fee and each broker's license fee received pursuant to section  
33 543B.14 is appropriated to the professional licensing and  
34 regulation bureau for the purpose of hiring and compensating  
35 a real estate education director and regulatory compliance

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1 personnel. The director of the department of administrative  
2 services shall draw warrants upon the treasurer of state from  
3 the funds appropriated as provided in this section and shall  
4 make the funds available to the professional licensing and  
5 regulation bureau on a monthly basis during each fiscal year.

6 Sec. 3. REPEAL. Section 543B.54, Code 2013, is repealed.

7 Sec. 4. REAL ESTATE EDUCATION FUND — REMAINING FUNDS  
8 TRANSFER. Any funds remaining in the real estate education  
9 fund on June 30, 2013, shall not revert to the general fund of  
10 the state but are appropriated to the professional licensing  
11 and regulation bureau of the banking division of the department  
12 of commerce. Funds appropriated pursuant to this section  
13 shall be used for the public purpose of providing a grant to a  
14 nonprofit foundation affiliated with a statewide association  
15 of real estate professionals to provide real estate education  
16 programs, scholarship assistance, housing assistance programs,  
17 or to otherwise further the mission of the foundation.

18 EXPLANATION

19 This bill relates to real estate broker and real estate  
20 salesperson licensing fees and allocations from those fees.

21 The bill reduces an allocation of \$50 that is currently  
22 mandated from each real estate broker and real estate  
23 salesperson licensing fee for deposit into the Iowa real estate  
24 education fund created in Code section 543B.54 to provide  
25 grants to educational institutions to provide real estate  
26 education programs and to hire and compensate a real estate  
27 education director and regulatory compliance personnel. The  
28 bill reduces the allocation to \$25, and appropriates the  
29 allocation to the professional licensing and regulation bureau  
30 of the banking division of the department of commerce for the  
31 purpose of hiring and compensating a real estate education  
32 director and regulatory compliance personnel.

33 The bill also repeals Code section 543B.54, modifies related  
34 provisions, and provides that any funds remaining in the Iowa  
35 real estate education fund on June 30, 2013, shall not revert

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1 to the general fund of the state but are instead appropriated  
2 to the professional licensing and regulation bureau for the  
3 public purpose of providing a grant to a nonprofit foundation  
4 affiliated with a statewide association of real estate  
5 professionals for purposes specified in the bill.



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**Senate File 439 - Introduced**

SENATE FILE 439  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 437)  
(SUCCESSOR TO SF 367)  
(SUCCESSOR TO SSB 1177)

**A BILL FOR**

1 An Act relating to charitable food donations to food banks  
2 and similar organizations, including by providing for  
3 appropriations and a tax credit, and including applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SUBCHAPTER I

GENERAL

Section 1. NEW SECTION. 190B.101 Purpose.

The purpose of this chapter is to effectively and efficiently utilize Iowa's abundant supplies of nutritional food to relieve situations of emergency or distress experienced by individuals or families in need who reside in this state, including low-income individuals or families and unemployed individuals or families.

Sec. 2. NEW SECTION. 190B.102 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Federal emergency food assistance program*" means the federal emergency food assistance program, as provided in 7 C.F.R. pts. 250 and 251.

2. "*Food*" means a substance which is used in whole or in part for human consumption in compliance with federal and state standards or requirements including a donated food that meets the requirements of the federal emergency food assistance program.

3. "*Food commodity*" means any commodity that is derived from an agricultural animal or crop, both as defined in section 717A.1, that is produced on agricultural land as defined in section 425A.2, and that is intended to be used as food in its raw or processed state.

4. "*Iowa emergency feeding organization*" means a public or private nonprofit organization whose mission is compatible with the purpose of this chapter as provided in section 190B.101 and which includes an Iowa food bank or other organization that operates at a congregate nutritional site or that provides home-delivered meals in this state. An Iowa emergency feeding organization includes but is not limited to a food pantry, hunger relief center, or soup kitchen.

5. "*Iowa food bank*" means a private nonprofit organization which meets all of the following requirements:

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- 1     *a.* It receives, holds, and directly or indirectly  
2 distributes food principally to Iowa emergency feeding  
3 organizations in a manner compatible with the purpose of this  
4 chapter as provided in section 190B.101.  
5     *b.* It is an organization described in section 501(c)(3)  
6 of the Internal Revenue Code and exempt from taxation under  
7 section 501(a) of the Internal Revenue Code.  
8     *c.* It receives contributions that are deductible under  
9 section 170 of the Internal Revenue Code.  
10    6. "*Iowa food bank association*" or "*association*" means an  
11 organization that meets all of the following requirements:  
12     *a.* It is organized as a nonprofit corporation under chapter  
13 504.  
14     *b.* Its principal office is or has been located in this  
15 state.  
16     *c.* It is an organization described in section 501(c)(3)  
17 of the Internal Revenue Code and exempt from taxation under  
18 section 501(a) of the Internal Revenue Code.  
19     *d.* It receives contributions that are deductible under  
20 section 170 of the Internal Revenue Code.  
21     *e.* Its members include Iowa food banks, or affiliations  
22 of Iowa food banks, that together serve all counties in this  
23 state.

24                                   SUBCHAPTER II

25                                   IOWA FOOD-LINK TO FOOD-BANK INITIATIVE

- 26    Sec. 3. NEW SECTION. 190B.201 **Definition.**  
27    As used in this subchapter, "*department*" means the department  
28 of human services.  
29    Sec. 4. NEW SECTION. 190B.202 **Department of human services**  
30 **— cooperation with other agencies.**  
31    1. This subchapter shall be administered by the department  
32 of human services.  
33    2. The department shall adopt all rules necessary to  
34 administer this subchapter.  
35    3. Each fiscal year, the department shall award the

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1 amount appropriated in section 190B.203, to an Iowa food bank  
2 association selected by the department to manage programs  
3 associated with an Iowa food-link to food-bank initiative. The  
4 moneys appropriated in section 190B.203 shall be allocated on  
5 a matching basis as provided in that section. The department  
6 shall execute a contract with the association to provide  
7 for the terms and conditions of the program's management.  
8 A contract shall not obligate the state to pay moneys for  
9 multiple fiscal years.

10 4. The department of agriculture and land stewardship,  
11 the department of public health, and the department of  
12 inspections and appeals shall cooperate with the department of  
13 human services to administer the Iowa food-link to food-bank  
14 initiative.

15 Sec. 5. NEW SECTION. 190B.203 Iowa food-link to food-bank  
16 initiative — appropriation.

17 1. For the fiscal year beginning July 1, 2013, and ending  
18 June 30, 2014, and for each subsequent fiscal year, there  
19 is appropriated from the general fund of the state to the  
20 department of human services the amount of two million dollars  
21 to support an Iowa food-link to food-bank initiative to further  
22 the purpose provided in section 190B.101.

23 2. The department of human services shall allocate up  
24 to one million eight hundred thousand dollars of the amount  
25 appropriated in subsection 1 to an Iowa food bank association  
26 selected by the department as provided in section 190B.202 for  
27 purposes of supporting the following programs:

28 a. An Iowa emergency food purchase program. The department  
29 shall allocate up to one million seven hundred thousand dollars  
30 to the association for the purchase of food on behalf of an  
31 Iowa emergency feeding organization or for the distribution of  
32 moneys to Iowa emergency feeding organizations for the purchase  
33 of food.

34 (1) A preference shall be provided to the purchase of food  
35 produced, processed, or packaged within this state whenever

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1 reasonably practicable.

2 (2) The food shall be purchased in a manner that best  
3 furthers a significant economic benefit to communities of this  
4 state.

5 b. An Iowa emergency food nutritional education program.  
6 The department shall allocate up to one hundred thousand  
7 dollars to the association to distribute the moneys to one or  
8 more Iowa emergency feeding organizations in order to provide  
9 instruction regarding nutrition and promote a lifelong healthy  
10 diet.

11 c. A transportation and storage program. The department  
12 shall allocate up to two hundred thousand dollars of the amount  
13 appropriated in subsection 1 to an association for the limited  
14 purposes of paying costs directly associated with transporting  
15 or storing donated food associated with the Iowa food-link to  
16 food-bank initiative as provided in this subchapter.

17 3. The moneys appropriated in subsection 1 shall be  
18 allocated as provided in subsection 2 only to the extent that  
19 the allocated moneys are matched on a dollar-for-dollar basis  
20 with moneys contributed by one or more sources, including but  
21 not limited to an Iowa food bank, but not including the state.  
22 The department shall establish procedures or other requirements  
23 for making and tracking matching contributions.

24 SUBCHAPTER III

25 FROM FARM TO FOOD DONATION TAX CREDIT

26 Sec. 6. NEW SECTION. 190B.301 Definitions.

27 As used in this subchapter, unless the context otherwise  
28 requires:

29 1. "Department" means the department of revenue.

30 2. "Tax credit" means the from farm to food donation tax  
31 credit as established in this subchapter.

32 Sec. 7. NEW SECTION. 190B.302 Department of revenue —  
33 cooperation with other departments.

34 1. This subchapter shall be administered by the department  
35 of revenue.

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1     2. The department shall adopt all rules necessary to  
2 administer this subchapter.

3     3. The department of agriculture and land stewardship, the  
4 department of public health, the department of human services,  
5 and the department of inspections and appeals shall cooperate  
6 with the department of revenue to administer this subchapter.

7     Sec. 8. NEW SECTION. 190B.303 From farm to food donation  
8 tax credit.

9     A from farm to food donation tax credit is allowed against  
10 the taxes imposed in chapter 422, divisions II and III, as  
11 provided in this subchapter.

12    Sec. 9. NEW SECTION. 190B.304 From farm to food donation  
13 tax credit — eligibility.

14    In order to qualify for a from farm to food donation tax  
15 credit, all of the following must apply:

16    1. The taxpayer must produce the donated food commodity.

17    2. The taxpayer must transfer title to the donated food  
18 commodity to an Iowa food bank, or an Iowa emergency feeding  
19 organization, recognized by the department. The taxpayer shall  
20 not receive remuneration for the transfer.

21    3. The donated food commodity cannot be damaged or  
22 out-of-condition and declared to be unfit for human consumption  
23 by a federal, state, or local health official. A food  
24 commodity that meets the requirements for donated foods  
25 pursuant to the federal emergency food assistance program  
26 satisfies this requirement.

27    4. A taxpayer claiming the tax credit shall provide  
28 documentation supporting the tax credit claim in a form and  
29 manner prescribed by the department by rule.

30    Sec. 10. NEW SECTION. 190B.305 From farm to food donation  
31 tax credit — claims filed by individuals who belong to business  
32 entities.

33    An individual may claim a from farm to food donation  
34 tax credit of a partnership, limited liability company,  
35 S corporation, estate, or trust electing to have income

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1 taxed directly to the individual. The amount claimed by the  
2 individual shall be based upon the pro rata share of the  
3 individual's earnings from the partnership, limited liability  
4 company, S corporation, estate, or trust.

5 Sec. 11. NEW SECTION. 190B.306 From farm to food donation  
6 tax credit — limits on claims.

7 A from farm to food donation tax credit is subject to all of  
8 the following limitations:

9 1. The tax credit shall not exceed a qualifying amount for  
10 the tax year that the tax credit is claimed. The qualifying  
11 amount is the lesser of the following:

12 a. Fifteen percent of the value of the commodities donated  
13 during the tax year for which the credit is claimed. The value  
14 of the commodities shall be determined in the same manner as a  
15 charitable contribution of food for federal tax purposes under  
16 section 170(e)(3)(C) of the Internal Revenue Code.

17 b. Five thousand dollars.

18 2. A tax credit in excess of the taxpayer's liability for  
19 the tax year is not refundable but may be credited to the tax  
20 liability for the following five years or until depleted,  
21 whichever is earlier.

22 3. If a tax credit is allowed, the amount of the  
23 contribution for which the tax credit is claimed shall not  
24 be deductible in determining taxable income for state tax  
25 purposes.

26 4. A tax credit shall not be carried back to a tax year  
27 prior to the tax year in which the taxpayer claims the tax  
28 credit.

29 Sec. 12. NEW SECTION. 422.11E From farm to food donation  
30 tax credit.

31 The taxes imposed under this division, less the credits  
32 allowed under section 422.12, shall be reduced by a from farm  
33 to food donation tax credit as allowed under chapter 190B,  
34 subchapter III.

35 Sec. 13. Section 422.33, Code 2013, is amended by adding the

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1 following new subsection:

2 NEW SUBSECTION. 30. The taxes imposed under this division  
3 shall be reduced by a from farm to food donation tax credit as  
4 allowed under chapter 190B, subchapter III.

5 Sec. 14. APPLICABILITY. The provisions of this Act  
6 providing for a from farm to food donation tax credit applies  
7 to tax years beginning on or after January 1, 2014.

8 EXPLANATION

9 GENERAL. This bill provides for charitable food donations  
10 to food banks and other emergency feeding organizations that  
11 relieve situations of emergency or distress experienced by  
12 individuals or families in need who reside in this state.

13 APPROPRIATIONS. The bill creates an Iowa food-link to  
14 food-bank initiative administered by the department of  
15 human services. Each fiscal year, moneys from the general  
16 fund are appropriated to the department in order to support  
17 several programs managed by an association representing Iowa  
18 food banks. The programs provide for the purchase of food  
19 and instruction regarding nutrition and diet. Moneys are  
20 also allocated to pay for transporting and storing donated  
21 food. The appropriated moneys are to be allocated on a  
22 dollar-for-dollar match from nonstate sources.

23 TAX CREDIT — GENERAL. The bill establishes a from farm  
24 to food donation tax credit against individual or corporate  
25 income taxes. The tax credit may be claimed by the taxpayer  
26 who produces a food commodity. The tax credit is administered  
27 by the department of revenue.

28 TAX CREDIT — TAXPAYERS. The bill provides that the taxpayer  
29 may claim a tax credit for 15 percent of the value of donated  
30 commodities up to \$5,000. The bill requires that the donated  
31 food commodities cannot be damaged or out-of-condition and  
32 declared unfit for human consumption. The bill provides that  
33 the tax credit is not refundable but allows a taxpayer to carry  
34 forward the tax credit for up to five years. An individual may  
35 claim a tax credit of a partnership, limited liability company,

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1 S corporation, estate, or trust electing to have income taxed  
2 directly to the individual.  
3 TAX CREDIT — APPLICABILITY. The tax credit applies to tax  
4 years beginning on or after January 1, 2014.



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**Senate File 440 - Introduced**

SENATE FILE 440  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 415)  
(SUCCESSOR TO SSB 1199)

**A BILL FOR**

1 An Act relating to human services involving mental health  
2 and disability services and children's services, making  
3 appropriations, and including effective dates.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 DIVISION I  
2 SYSTEM REDESIGN — IMPLEMENTATION  
3 RESEARCH-BASED PRACTICE  
4 Section 1. Section 331.388, Code 2013, is amended by adding  
5 the following new subsection:  
6 NEW SUBSECTION. 4A. “*Research-based practice*” means a  
7 service or other support in which the efficacy of the service  
8 or other support is recognized as an evidence-based practice,  
9 or is deemed to be an emerging and promising practice, or which  
10 is part of a demonstration and will supply evidence as to the  
11 effectiveness of the service or other support.  
12 Sec. 2. Section 331.393, subsection 4, paragraph g,  
13 unnumbered paragraph 1, Code 2013, is amended to read as  
14 follows:  
15 The requirements for designation of targeted case management  
16 providers and for implementation of ~~evidence-based~~ models  
17 of case management that apply research-based practice. The  
18 requirements shall be designed to provide the person receiving  
19 the case management with a choice of providers, allow a  
20 service provider to be the case manager but prohibit the  
21 provider from referring a person receiving the case management  
22 only to services administered by the provider, and include  
23 other provisions to ensure compliance with but not exceed  
24 federal requirements for conflict-free case management. The  
25 qualifications of targeted case managers and other persons  
26 providing service coordination under the management plan shall  
27 be specified in the rules. The rules shall also include but  
28 are not limited to all of the following relating to targeted  
29 case management and service coordination services:  
30 Sec. 3. Section 331.397, subsection 5, paragraph b, Code  
31 2013, is amended to read as follows:  
32 b. Providing ~~evidence-based~~ services that apply  
33 research-based practice.  
34 Sec. 4. Section 331.397, subsection 6, paragraph d, Code  
35 2013, is amended to read as follows:

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1     ~~d.~~ Advances in the use of ~~evidence-based~~ treatment applying  
2 research-based practice, including but not limited to all of  
3 the following:

- 4       (1) Positive behavior support.  
5       (2) Assertive community treatment.  
6       (3) Peer self-help drop-in centers.

7     Sec. 5. Section 331.397, subsection 7, paragraphs b and c,  
8 Code 2013, are amended to read as follows:

9       ~~b.~~ The ~~efficacy of the services or other support is~~ are  
10 recognized as ~~an evidence-based a research-based practice, is~~  
11 ~~deemed to be an emerging and promising practice, or providing~~  
12 ~~the services is part of a demonstration and will supply~~  
13 ~~evidence as to the services' effectiveness.~~

14     ~~c.~~ A determination that the services or other support  
15 provides an effective alternative to existing services  
16 that have been shown by the evidence research base to be  
17 ineffective, to not yield the desired outcome, or to not  
18 support the principles outlined in *Olmstead v. L.C.*, 527 U.S.  
19 581 (1999).

20     COMMUNITY CORRECTIONS SYSTEM ACCESS TO REGIONAL SERVICES

21     Sec. 6. Section 331.395, Code 2013, is amended by adding the  
22 following new subsection:

23     NEW SUBSECTION. 5. If adequate funding is provided through  
24 a state appropriation made for purposes of paying for services  
25 authorized pursuant to this subsection, a person with an income  
26 within the level specified in subsection 1 who is housed by or  
27 supervised by a judicial district department of correctional  
28 services established under chapter 905 shall be deemed to  
29 have met the income and resource eligibility requirements for  
30 services under the regional service system.

31     ELIGIBILITY MAINTENANCE

32     Sec. 7. Section 331.396, subsection 1, paragraph b, Code  
33 2013, is amended to read as follows:

34     ~~b.~~ The person is at least eighteen years of age and is a  
35 resident of this state. However, a person who is seventeen

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1 years of age, is a resident of this state, and is receiving  
2 publicly funded children's services may be considered eligible  
3 for services through the regional service system during the  
4 three-month period preceding the person's eighteenth birthday  
5 in order to provide a smooth transition from children's  
6 to adult services. In addition, a person who is less than  
7 eighteen years of age and a resident of this state may be  
8 eligible, as determined by the region, for those mental health  
9 services made available to all or a portion of the residents  
10 of the region of the same age and eligibility class under the  
11 county management plan of one or more counties of the region  
12 applicable prior to formation of the region.

13 Sec. 8. Section 331.396, subsection 2, paragraph b, Code  
14 2013, is amended to read as follows:

15 b. The person is at least eighteen years of age and is a  
16 resident of this state. However, a person who is seventeen  
17 years of age, is a resident of this state, and is receiving  
18 publicly funded children's services may be considered eligible  
19 for services through the regional service system during the  
20 three-month period preceding the person's eighteenth birthday  
21 in order to provide a smooth transition from children's  
22 to adult services. In addition, a person who is less than  
23 eighteen years of age and a resident of this state may be  
24 eligible, as determined by the region, for those intellectual  
25 disability services made available to all or a portion of the  
26 residents of the region of the same age and eligibility class  
27 under the county management plan of one or more counties of the  
28 region applicable prior to formation of the region.

29 Sec. 9. Section 331.397, subsection 2, paragraph b, Code  
30 2013, is amended to read as follows:

31 b. Until funding is designated for other service  
32 populations, eligibility for the service domains listed in this  
33 section shall be limited to such persons who are in need of  
34 mental health or intellectual disability services. However, if  
35 a county in a region was providing services to an ~~individual~~

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1 person eligibility class of persons with a developmental  
2 disability other than intellectual disability or a brain injury  
3 prior to formation of the region, the ~~individual person class~~  
4 of persons shall remain eligible for the services provided when  
5 the region is formed, provided that funds are available to  
6 continue such services.

7 CORE SERVICES

8 Sec. 10. Section 331.397, subsection 4, paragraphs c and d,  
9 Code 2013, are amended to read as follows:

10 c. Support for community living and other living  
11 arrangements, including but not limited to all of the  
12 following:

- 13 (1) Home health aide.
- 14 (2) Home and vehicle modifications.
- 15 (3) Respite.
- 16 (4) Supportive community living.
- 17 (5) Residential care facility living arrangements.

18 d. Support for employment and work activity, including but  
19 not limited to all of the following:

- 20 (1) Day habilitation.
- 21 (2) Job development.
- 22 (3) Supported employment.
- 23 (4) Prevocational services.
- 24 (5) Other work activity services.

25 STATE PAYMENTS TO REGION

26 Sec. 11. Section 426B.3, subsection 4, as enacted by 2012  
27 Iowa Acts, chapter 1120, section 137, is amended to read as  
28 follows:

29 4. a. For the fiscal years beginning July 1, 2013, and  
30 July 1, 2014, a county with a county population expenditure  
31 target amount that exceeds the amount of the county's base year  
32 expenditures for mental health and disabilities services shall  
33 receive an equalization payment for the difference.

34 b. The equalization payments determined in accordance  
35 with this subsection shall be made by the department of human

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1 services for each fiscal year as provided in appropriations  
2 made from the property tax relief fund for this purpose. If  
3 the county is part of a region that has been approved by the  
4 department in accordance with section 331.389, to commence  
5 partial or full operations, the county's equalization payment  
6 shall be remitted to the region for expenditure as approved by  
7 the region's governing board.

8 STRATEGIC PLAN REQUIREMENT FOR FY 2013-2014

9 Sec. 12. 2012 Iowa Acts, chapter 1128, section 8, is amended  
10 to read as follows:

11 SEC. 8. COUNTY MENTAL HEALTH, ~~MENTAL RETARDATION~~  
12 INTELLECTUAL DISABILITY, AND DEVELOPMENTAL DISABILITIES  
13 SERVICES MANAGEMENT PLAN — STRATEGIC PLAN. Notwithstanding  
14 section 331.439, subsection 1, paragraph "b", subparagraph (3),  
15 counties are not required to submit a three-year strategic  
16 plan by April 1, 2012, to the department of human services. A  
17 county's strategic plan in effect as of the effective date of  
18 this section shall remain in effect until the regional service  
19 system management plan for the region to which the county  
20 belongs is approved in accordance with section 331.393, subject  
21 to modification before that date as necessary to conform with  
22 statutory changes affecting the plan and any amendments to the  
23 plan that are adopted in accordance with law.

24 RISK POOL DISTRIBUTIONS

25 Sec. 13. 2012 Iowa Acts, chapter 1128, section 6,  
26 subsections 5 and 6, as amended by 2012 Iowa Acts, chapter  
27 1133, section 67, are amended to read as follows:

28 5. If moneys from a distribution made under this section are  
29 not expended by a county by June 30, ~~2013~~ 2015, for services  
30 provided by that date under the applicable service management  
31 plan, the county shall reimburse the unexpended moneys to the  
32 department by August 30, ~~2013~~ 2015, and the moneys reimbursed  
33 shall be credited to the risk pool in the property tax relief  
34 fund.

35 6. The risk pool board shall submit annual reports to the

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1 governor and general assembly on or before December 31, ~~2012~~  
2 ~~and 2013~~, regarding the expenditure of funds distributed under  
3 this section. The final annual report shall be submitted on or  
4 before December 31, 2015.

5                   TRANSITION FUND — SERVICES MAINTENANCE

6       Sec. 14. TRANSITION FUND — SERVICES MAINTENANCE. A county  
7 receiving an allocation of funding from the mental health and  
8 disability services redesign transition fund created in 2012  
9 Iowa Acts, chapter 1120, section 23, shall utilize the funding  
10 received by the county as necessary for the services covered  
11 in accordance with the county's approved management plan in  
12 effect as of June 30, 2012, for the fiscal year beginning July  
13 1, 2012, and ending June 30, 2013.

14                   REDESIGN EQUALIZATION PAYMENTS AND RISK POOL

15       Sec. 15. EQUALIZATION PAYMENTS AND RISK POOL.

16       1. There is transferred from the general fund of the state  
17 to the property tax relief fund created in section 426B.1  
18 for the fiscal year beginning July 1, 2012, and ending June  
19 30, 2013, the following amount to be used for the purposes  
20 designated:

21 ..... \$ 29,820,478

22       2. The moneys credited to the property tax relief fund in  
23 accordance with this section are appropriated to the department  
24 of human services for the fiscal year beginning July 1, 2013,  
25 and ending June 30, 2014, for distribution to counties and  
26 regions in accordance with this section. If a county is  
27 part of a region that has been approved by the department to  
28 commence partial or full operations in accordance with section  
29 331.389 for the fiscal year, the county's payment made pursuant  
30 to this section shall be remitted to the region for expenditure  
31 as approved by the region's governing board. The payments made  
32 under this section are in lieu of equalization payments for the  
33 fiscal year beginning July 1, 2013, otherwise required under  
34 section 426B.3, as amended by 2012 Iowa Acts, section 137.

35       3. Of the amount appropriated in this section, \$18,373,854

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1 shall be distributed to counties as per capita growth payments  
2 in accordance with this section.

3 4. A per capita growth amount shall be distributed to each  
4 county in two payments. The provisional per capita growth  
5 amount for the fiscal year is \$6.00, with the final amount  
6 determined in accordance with subsection 5. A county's first  
7 per capita growth payment shall be the product of \$5.00 of the  
8 provisional per capita growth amount times the county's general  
9 population for the fiscal year.

10 5. The moneys transferred to the property tax relief fund  
11 for the fiscal year beginning July 1, 2013, from the federal  
12 social services block grant pursuant to 2013 Iowa Acts, House  
13 File 614, or any other 2013 Iowa Acts, if enacted and from the  
14 federal temporary assistance for needy families block grant,  
15 totaling \$11,251,443, are appropriated to the department of  
16 human services for the fiscal year beginning July 1, 2013, to  
17 be used for distribution of state payment program remittances  
18 to counties for the fiscal year in accordance with this  
19 subsection. The state payment program remittance shall be an  
20 amount equal to the amount paid to a county of residence under  
21 the program for state case services known as the state payment  
22 program, implemented pursuant to section 331.440, subsection 5,  
23 for the fiscal year beginning July 1, 2011.

24 6. The first per capita growth payment due a county under  
25 subsection 4 and any state payment program remittance due a  
26 county under subsection 5, shall be combined and remitted to  
27 the counties on or before July 15, 2013.

28 7. a. Of the amount appropriated in this section,  
29 \$11,446,624 shall be distributed to counties as stabilization  
30 payments in accordance with this subsection. A stabilization  
31 payment shall be distributed to each county for which the  
32 amount of net expenditures from the county's services fund  
33 under section 331.424A for the fiscal year beginning July 1,  
34 2012, exceeds the sum of the county's state payment program  
35 remittance under subsection 5 plus the dollar amount of the

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1 county's services fund levies for the fiscal year beginning  
2 July 1, 2013. A county's stabilization payment amount shall  
3 be equal to the excess net expenditures amount. To receive a  
4 stabilization payment, the county shall submit a request for  
5 the payment to the department of human services not later than  
6 December 1, 2013, with documentation detailing and verifying  
7 the county's net expenditures from the services fund for the  
8 fiscal year beginning July 1, 2012, and certifying the county's  
9 levies for the services fund for the fiscal year beginning July  
10 1, 2013.

11 b. If the sum of the total of all eligible counties'  
12 stabilization payments plus the product of \$1.00 of the  
13 provisional per capita growth payment amount under subsection  
14 4 times the state's general population for the fiscal year is  
15 greater or less than the amount of moneys remaining after the  
16 first per capita growth payments made pursuant to subsection  
17 4 and the amount allocated in this subsection, the department  
18 shall identify a final per capita growth amount by adjusting  
19 the provisional per capita growth amount as necessary to  
20 distribute all of the moneys remaining. If the total of the  
21 stabilization payments exceeds the amount allocated in this  
22 subsection, the provisional per capita growth amount shall be  
23 reduced to provide sufficient funding to address the excess.  
24 If the total of the stabilization payments is less than the  
25 amount allocated in this subsection, the provisional per  
26 capita growth amount shall be increased to address the reduced  
27 amount. A county's second per capita growth payment shall be  
28 the product of the remainder of the final per capita growth  
29 amount as adjusted by the department times the county's general  
30 population for the fiscal year.

31 c. Each county's second per capita growth payment shall be  
32 combined with any stabilization payment due the county. The  
33 payments shall be remitted to the counties on or before January  
34 2, 2014.

35 SUBSTANCE-RELATED DISORDER DETOXIFICATION

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1     Sec. 16. COORDINATION OF DETOXIFICATION SERVICES. The  
2 department of human services shall review options for the  
3 mental health and disability services regions to coordinate  
4 detoxification funding provided by counties and other such  
5 disorder funding provided by counties in place of county  
6 coordination. The department shall report to the governor and  
7 general assembly its findings, options, and recommendations on  
8 or before October 15, 2013.

9                     MEDICAID OBLIGATION COST SETTLEMENT

10    Sec. 17. COUNTY MEDICAL ASSISTANCE NONFEDERAL SHARE —  
11 COST SETTLEMENT. Any county obligation for payment to the  
12 department of human services of the nonfederal share of the  
13 cost of services provided under the medical assistance program  
14 prior to July 1, 2012, pursuant to sections 249A.12 and  
15 249A.26, shall remain at the amount agreed upon as of June 30,  
16 2013. Beginning July 1, 2013, other than a county payment on  
17 the obligation or for a charge when the county is the provider  
18 of the service, the department shall be responsible for any  
19 adjustment that would otherwise be applied to the amount of the  
20 county obligation after that date due to cost settlement of  
21 charges or other reasons.

22                     COUNTY MENTAL HEALTH AND DISABILITY

23                     SERVICES FUND — FY 2013-2014

24    Sec. 18. SERVICES FUND — MANAGEMENT PLAN. For the fiscal  
25 year beginning July 1, 2013, and ending June 30, 2014, the  
26 appropriations made by the county board of supervisors for  
27 payment for mental health and disability services pursuant  
28 to section 331.424A, subsection 3, as enacted by 2012 Iowa  
29 Acts, chapter 1120, section 132, shall be made in accordance  
30 with the county's service management plan approved under  
31 section 331.439, Code 2013, until the county management plan is  
32 replaced by a regional service system management plan approved  
33 under section 331.393.

34    Sec. 19. CONTINUATION OF MENTAL HEALTH AND DISABILITY  
35 SERVICES REDESIGN FISCAL VIABILITY STUDY COMMITTEE. The

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1 legislative council is requested to continue for the 2014  
2 legislative interim the mental health and disability services  
3 redesign fiscal viability study committee initially created by  
4 the legislative council in 2013. The legislative council is  
5 requested to add at least four citizen members to the study  
6 committee to provide representation for service consumers,  
7 service providers, county supervisors, and the community  
8 services affiliate of the Iowa state association of counties.  
9 In addition to monitoring implementation of the mental health  
10 and disability services redesign and receiving reports from  
11 stakeholder groups engaged in implementation of the redesign,  
12 the study committee shall be directed to propose a permanent  
13 approach for state, county, and regional financing of the  
14 redesign.

15 Sec. 20. EFFECTIVE UPON ENACTMENT. This division of this  
16 Act, being deemed of immediate importance, takes effect upon  
17 enactment.

18 DIVISION II

19 DATA AND STATISTICAL INFORMATION AND OUTCOME AND PERFORMANCE  
20 MEASURES

21 Sec. 21. Section 225C.4, subsection 1, paragraph j, Code  
22 2013, is amended to read as follows:

23 *j.* Establish and maintain a data collection and management  
24 information system oriented to the needs of patients,  
25 providers, the department, and other programs or facilities in  
26 accordance with section 225C.6A. The system shall be used to  
27 identify, collect, and analyze service outcome and performance  
28 measures data in order to assess the effects of the services on  
29 the persons utilizing the services. The administrator shall  
30 annually submit to the commission information collected by the  
31 department indicating the changes and trends in the disability  
32 services system. The administrator shall make the outcome data  
33 available to the public.

34 Sec. 22. Section 225C.6A, Code 2013, is amended to read as  
35 follows:

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1     **225C.6A Disability services system redesign central data**  
2 **repository.**  
3     ~~1. The commission department shall do the following~~  
4 ~~relating to redesign of data concerning the disability services~~  
5 ~~system in the state:~~  
6     ~~1. Identify sources of revenue to support statewide~~  
7 ~~delivery of core disability services to eligible disability~~  
8 ~~populations.~~  
9     ~~2. Ensure there is a continuous improvement process for~~  
10 ~~development and maintenance of the disability services system~~  
11 ~~for adults and children. The process shall include but is not~~  
12 ~~limited to data collection and reporting provisions.~~  
13     ~~3. a. Plan, collect, and analyze data as necessary to~~  
14 ~~issue cost estimates for serving additional populations and~~  
15 ~~providing core disability services statewide. The department~~  
16 ~~shall maintain compliance with applicable federal and state~~  
17 ~~privacy laws to ensure the confidentiality and integrity of~~  
18 ~~individually identifiable disability services data. The~~  
19 ~~department shall regularly may periodically assess the status~~  
20 ~~of the compliance in order to assure that data security is~~  
21 ~~protected.~~  
22     ~~b. In implementing Implement a system central data~~  
23 ~~repository under this subsection section for collecting and~~  
24 ~~analyzing state, county and region, and private contractor~~  
25 ~~data, the. The department shall establish a client identifier~~  
26 ~~for the individuals receiving services. The client identifier~~  
27 ~~shall be used in lieu of the individual's name or social~~  
28 ~~security number. The client identifier shall consist of the~~  
29 ~~last four digits of an individual's social security number,~~  
30 ~~the first three letters of the individual's last name, the~~  
31 ~~individual's date of birth, and the individual's gender in an~~  
32 ~~order determined by the department.~~  
33     ~~c. Consult on an ongoing basis with regional administrators,~~  
34 ~~service providers, and other stakeholders in implementing the~~  
35 ~~central data repository and operations of the repository. The~~

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1 consultation shall focus on minimizing the state and local  
2 costs associated with operating the repository.

3 d. Engage with other state and local government and  
4 nongovernmental entities operating the Iowa health information  
5 network under chapter 135 and other data systems that maintain  
6 information relating to individuals with information in the  
7 central data repository in order to integrate data concerning  
8 individuals.

9 ~~e. 2.~~ A county or region shall not be required to utilize a  
10 uniform data operational or transactional system. However, the  
11 system utilized shall have the capacity to exchange information  
12 with the department, counties and regions, contractors, and  
13 others involved with services to persons with a disability  
14 who have authorized access to the central data repository.  
15 The information exchanged shall be labeled consistently  
16 and share the same definitions. Each county regional  
17 administrator shall regularly report to the department annually  
18 ~~on or before December 1, for the preceding fiscal year the~~  
19 ~~following information for each individual served: demographic~~  
20 ~~information, expenditure data, and data concerning the services~~  
21 ~~and other support provided to each individual, as specified~~  
22 ~~in administrative rule adopted by the commission by the~~  
23 department.

24 ~~4. Work with county representatives and other qualified~~  
25 ~~persons to develop an implementation plan for replacing the~~  
26 ~~county of legal settlement approach to determining service~~  
27 ~~system funding responsibilities with an approach based upon~~  
28 ~~residency. The plan shall address a statewide standard for~~  
29 ~~proof of residency, outline a plan for establishing a data~~  
30 ~~system for identifying residency of eligible individuals,~~  
31 ~~address residency issues for individuals who began residing in~~  
32 ~~a county due to a court order or criminal sentence or to obtain~~  
33 ~~services in that county, recommend an approach for contesting~~  
34 ~~a residency determination, and address other implementation~~  
35 ~~issues.~~

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1     3. The outcome and performance measures applied to the  
2 regional disability services system shall utilize measurement  
3 domains. The department may identify other measurement domains  
4 in consultation with system stakeholders to be utilized in  
5 addition to the following initial set of measurement domains:

- 6     a. Access to services.  
7     b. Life in the community.  
8     c. Person-centeredness.  
9     d. Health and wellness.  
10    e. Quality of life and safety.  
11    f. Family and natural supports.

12    4. a. The processes used for collecting outcome and  
13 performance measures data shall include but are not limited  
14 to direct surveys of the individuals and families receiving  
15 services and the providers of the services. The department  
16 shall involve a workgroup of persons who are knowledgeable  
17 about both the regional service system and survey techniques  
18 to implement and maintain the processes. The workgroup shall  
19 conduct an ongoing evaluation for the purpose of eliminating  
20 the collection of information that is not utilized. The  
21 surveys shall be conducted with a conflict-free approach in  
22 which someone other than a provider of services surveys an  
23 individual receiving the services.

24    b. The outcome and performance measures data shall encompass  
25 and provide a means to evaluate both the regional services and  
26 the services funded by the medical assistance program provided  
27 to the same service populations.

28    c. The department shall develop and implement an  
29 internet-based approach with graphical display of information  
30 to provide outcome and performance measures data to the public  
31 and those engaged with the regional service system.

32    d. The department shall include any significant costs for  
33 collecting and interpreting outcome and performance measures  
34 and other data in the department's operating budget.

35    Sec. 23. REPEAL. The amendment to section 225C.4,

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1 subsection 1, paragraph j, in 2012 Iowa Acts, chapter 1120,  
2 section 2, is repealed.

3 Sec. 24. REPEAL. The amendments to section 225C.6A, in 2012  
4 Iowa Acts, chapter 1120, sections 6, 7, and 95, are repealed.

5 DIVISION III

6 CHILDREN'S CABINET

7 Sec. 25. NEW SECTION. 242.1 Findings.

8 The general assembly finds there is a need for a  
9 state-level children's cabinet to provide guidance, oversight,  
10 problem-solving, and long-term strategy development, and to  
11 foster collaboration among state and local efforts to build a  
12 comprehensive, coordinated system of care in order to promote  
13 the well-being of the children in this state. The system of  
14 care should address all domains of child physical, mental,  
15 intellectual, developmental, and social health and meet the  
16 particular needs of children for family-centered mental health  
17 and disability services and for other appropriate specialized  
18 services.

19 Sec. 26. NEW SECTION. 242.2 Children's cabinet established.

20 There is established within the department of human services  
21 a children's cabinet.

22 1. The voting members of the children's cabinet shall  
23 consist of the following:

24 a. The director of the department of education or the  
25 director's designee.

26 b. The director of the department of human services or the  
27 director's designee. This member shall be chairperson of the  
28 cabinet.

29 c. The director of the department of inspections and appeals  
30 or the director's designee.

31 d. The director of the department of public health or the  
32 director's designee.

33 e. A parent of a child with a severe emotional disturbance  
34 or a disability who is the primary caregiver for that child,  
35 appointed by the governor.

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- 1 *f.* A juvenile court judge or juvenile court officer  
2 appointed by the chief justice of the supreme court.
- 3 *g.* A community-based provider of child welfare, health,  
4 or juvenile justice services to children, appointed by the  
5 director of human services.
- 6 *h.* A member of the early childhood Iowa state board or the  
7 early childhood stakeholders alliance, appointed by the state  
8 board.
- 9 *i.* A community stakeholder who is not affiliated with a  
10 provider of services, appointed by the governor.
- 11 *j.* A member of a child advocacy organization approved by the  
12 members of the children's cabinet.
- 13 *k.* A member of the Iowa chapter of the American academy  
14 of pediatrics who has expertise in pediatric health care and  
15 addressing the needs of children with special needs, designated  
16 by the Iowa chapter.
- 17 1. Not more than three other members designated by  
18 the cabinet chairperson to ensure adequate representation  
19 of the persons and interests who may be affected by the  
20 recommendations made by the cabinet.
- 21 2. In addition to the voting members, there shall be four ex  
22 officio, nonvoting members of the children's cabinet. These  
23 members shall be two state representatives, one appointed by  
24 the speaker of the house of representatives and one by the  
25 minority leader of the house of representatives, and two state  
26 senators, one appointed by the majority leader of the senate  
27 and one by the minority leader of the senate.
- 28 3. *a.* The voting members, other than department directors  
29 and their designees, shall be appointed for four-year terms.  
30 The terms of such members begin on May 1 in the year of  
31 appointment and expire on April 30 in the year of expiration.
- 32 *b.* Vacancies shall be filled in the same manner as original  
33 appointments. A vacancy shall be filled for the unexpired  
34 term.
- 35 *c.* The voting members shall receive actual and necessary

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1 expenses incurred in the performance of their duties and  
2 legislative members shall be compensated as provided in section  
3 2.32A.

4 4. Staffing services for the children's cabinet shall be  
5 provided by the department of human services.

6 Sec. 27. NEW SECTION. 242.3 Duties.

7 The children's cabinet shall perform the following duties  
8 in making recommendations to the agencies and organizations  
9 represented on the cabinet, the governor, the general assembly,  
10 and the judicial branch to address the needs of children and  
11 families in this state:

12 1. Recommend operating provisions for health homes for  
13 children implemented by the department of human services. The  
14 provisions shall include but are not limited to all of the  
15 following:

16 a. Identification of quality metrics.

17 b. Identification of performance criteria.

18 c. Provisions for monitoring the implementation of  
19 specialized health homes.

20 d. Identification of system of care principles and values  
21 based on the recommendations of the workgroup for redesign of  
22 publicly funded children's disability services implemented by  
23 the department of human services in accordance with 2011 Iowa  
24 Acts, chapter 121, section 1, subsection 4, paragraph "i".

25 2. Gather information and improve the understanding of  
26 policymakers and the public of how the various service systems  
27 intended to meet the needs of children and families operate at  
28 the local level.

29 3. Address areas of overlap, gaps, and conflict between  
30 service systems.

31 4. Support the evolution of service systems in implementing  
32 new services and enhancing existing services to address the  
33 needs of children and families through process improvement  
34 methodologies.

35 5. Assist policymakers and service system users in

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1 understanding and effectively managing system costs.  
2 6. Ensure services offered are evidence-based.  
3 7. Issue guidelines to enable the services and other support  
4 which is provided by or under the control of state entities and  
5 delivered at the local level to have sufficient flexibility to  
6 engage local resources and meet unique needs of children and  
7 families.  
8 8. Integrate efforts of policymakers and service providers  
9 to improve the well-being of community members in addition to  
10 children and families.  
11 9. Implement strategies so that the children and families  
12 engaged with the service systems avoid the need for higher  
13 level services and other support.  
14 10. Oversee the practices utilized by accountable care  
15 organizations and other care management entities operating on  
16 behalf of the state in the provision of government supported  
17 children's services and systems of care.  
18 11. Identify and promote evidence-based practices that may  
19 be creatively applied in appropriate settings for prevention  
20 and early identification of social, emotional, behavioral, and  
21 developmental risk factors for children from birth through age  
22 eight.  
23 12. Making periodic recommendations to the agencies  
24 and organizations represented on the cabinet. An agency or  
25 organization receiving such a recommendation shall respond  
26 in writing to the children's cabinet detailing how the  
27 recommendation was addressed. The response shall be submitted  
28 not later than sixty business days following the date of the  
29 receipt of the recommendation.  
30 13. Submit a report annually by December 15 to the governor,  
31 general assembly, and supreme court providing findings and  
32 recommendations and issue other reports as deemed necessary by  
33 the cabinet.  
34 Sec. 28. INITIAL TERMS. Notwithstanding section 242.2,  
35 subsection 3, paragraph "a", as enacted by this division of

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1 this Act, the appointing authorities for the members of the  
2 children's cabinet created by this division of this Act who are  
3 subject to terms of service shall be coordinated so that the  
4 initial terms of approximately half of such members are two  
5 years and the remainder are for four years and remain staggered  
6 thereafter.

7 DIVISION IV

8 CENTER FOR CHILD HEALTH INNOVATION AND EXCELLENCE

9 Sec. 29. Section 135.11, Code 2013, is amended by adding the  
10 following new subsection:

11 NEW SUBSECTION. 32. Create and operate, subject to  
12 appropriation of funding by the general assembly, a center for  
13 child health excellence and innovation. The purpose of the  
14 center is to provide a policy forum for efforts to improve  
15 child health, including but not limited to improving health  
16 quality, demonstrating better health outcomes, and reducing  
17 long-term health care costs.

18 a. The center shall engage major providers of child health  
19 services and associated groups, including but not limited to  
20 representatives of the department, the medical assistance  
21 program administrator, child health specialty clinics, the  
22 association representing community health centers, the state  
23 council created by the department for the department's project  
24 LAUNCH initiative, staff of institutions of higher education  
25 with expertise in pediatric health and child health care, the  
26 prevention of disabilities policy council in conjunction with  
27 the center for disabilities and development of the university  
28 of Iowa's children's hospital, and others.

29 b. The center shall lead the review and analysis of public  
30 policy efforts that are directed toward the purpose of the  
31 center.

32 c. The center shall develop community-based initiatives  
33 to promote healthy child development, leveraging medical  
34 assistance program funding where possible. The initiatives  
35 of Iowa shall include but are not limited to the promotion of

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1 demonstration programs within the behavioral health managed  
2 care contract and the development of a grant application for  
3 federal and foundation funding opportunities that focus upon  
4 improving child health through innovation and the diffusion of  
5 innovation.

6     d. The center shall develop an early childhood mental health  
7 certification for professionals and others engaged in working  
8 with young children.

9 e. The center shall draw upon national and state  
10 expertise in the field of child health, including experts  
11 from Iowa's institutions of higher education, health provider  
12 organizations, and health policy and advocacy organizations.  
13 The center shall seek support from the Iowa research  
14 community in data report development and analysis of available  
15 information from Iowa child health data sources.

16 f. The center shall work with the departments of human  
17 services and public health and with the governor and members  
18 of the general assembly in child health public policy efforts  
19 such as providing medical assistance funding as necessary to  
20 expand the department's initiative to provide for adequate  
21 developmental surveillance and screening during a child's first  
22 five years to be available statewide and enabling child care  
23 resource and referral service agencies to facilitate provision  
24 of child mental health consultation for child care providers.

25 g. The center shall submit a report of its activities and  
26 policy recommendations to the general assembly by December 15  
27 annually.

EXPLANATION

29 This bill relates to mental health and disability services  
30 (MH/DS) administered by counties and the regions being formed  
31 by counties to provide adult MH/DS that are not covered by the  
32 medical assistance (Medicaid) program, children's services, and  
33 makes appropriations. The bill addresses recommendations made  
34 to the mental health and disability services redesign fiscal  
35 viability study committee by various committees and workgroups

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1 created or continued by the MH/DS redesign legislation enacted  
2 in 2012 Iowa Acts, chapter 1120 (SF 2315) and chapter 1133 (SF  
3 2336). The primary state agency involved with MH/DS is the  
4 department of human services (DHS). The bill also includes  
5 other provisions. The bill is organized into divisions.

6 Under current law, certain MH/DS redesign requirements  
7 for regions specify the use of evidence-based practices  
8 or approaches. The bill defines the term, "research-based  
9 practice" in Code section 331.388, relating to definitions for  
10 the redesign, to mean a service or other support in which the  
11 efficacy of the service or other support is recognized as an  
12 evidence-based practice, or is deemed to be an emerging or  
13 promising practice, or which is part of a demonstration and  
14 will supply evidence as to effectiveness. The redesign-related  
15 Code requirements for evidence-based practice are changed by  
16 the bill to research-based practice in Code section 331.393,  
17 relating to the service management plans that must be adopted  
18 by regions and requirements for designating targeted case  
19 managers, and in Code section 331.397, relating to the core  
20 services that must be provided by regions.

21 An appropriation provision in 2012 Iowa Acts providing  
22 for risk pool distributions to certain counties, is amended  
23 to extend the period of time for a county to expend its  
24 distribution from June 30, 2013, to June 30, 2015.

25 Code section 331.395, relating to financial eligibility  
26 requirements for the regional service system, is amended to  
27 provide eligibility for the regional service system for persons  
28 who meet income requirements and are housed by or supervised by  
29 community-based correctional services, if a state appropriation  
30 is made to cover the service costs.

31 Code section 331.396, relating to diagnosis and functional  
32 assessment requirements for eligibility for the regional  
33 service system, is amended to allow a child to be eligible,  
34 as determined by the region, for those mental health or  
35 intellectual disability services provided to residents of

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1 the same age and eligibility class under an approved county  
2 management plan of one or more counties of the region prior  
3 to formation of the region. The person's eligibility for  
4 individualized services is subject to determination in  
5 accordance with a functional assessment.

6 Code section 331.397, relating to the requirements  
7 for regional core services, is amended to provide that an  
8 eligibility class of persons with a developmental disability or  
9 a brain injury who was receiving services prior to formation of  
10 a region remains eligible for the services after formation of  
11 the region, subject to the availability of funding.

12 Code section 331.397 is also amended to add additional  
13 language to the initial set of core services domains. The  
14 support for community living domain is amended to refer to  
15 other living arrangements generally and residential care  
16 facility living arrangements in particular. The support for  
17 employment domain is amended to refer to work activity and  
18 other work activity services.

19 Code section 426B.3, as amended by SF 2315, relates to  
20 eligibility for equalization payments from the state in fiscal  
21 years 2013-2014 and 2014-2015 for those counties with a base  
22 year levy which is less than a target amount computed by  
23 multiplying the county's general population times a statewide  
24 per capita expenditure target amount of \$47.28. The bill  
25 provides for distribution of moneys for FY 2013-2014 in lieu of  
26 equalization payments.

27 Under Code section 331.439, counties are required to submit  
28 a three-year strategic plan for MH/DS and the latest plan was  
29 due by April 1, 2012. In accordance with 2012 Iowa Acts,  
30 chapter 1128, the strategic plan submission was not required  
31 and the existing strategic plan remained in effect. The bill  
32 provides that a county's strategic plan remains in effect,  
33 unless modified pursuant to statute or amended by the county,  
34 until it is replaced by approval of the regional service system  
35 management plan for the region to which the county belongs.

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1 If a county receives an allocation of funding from the  
2 mental health and disability services redesign transition fund  
3 created in SF 2315, the county is required to utilize the  
4 funding provided as necessary for the services provided to an  
5 individual child or other individual person receiving services  
6 in accordance with the county's approved service management  
7 plan in effect as of June 30, 2012.

8 A transfer of approximately \$30 million is made from  
9 the general fund of the state for FY 2012-2013 to DHS to be  
10 credited to the property tax relief fund and is appropriated  
11 for DHS to make various distributions to eligible counties for  
12 FY 2013-2014. If a county is part of an approved region, the  
13 county's payment is required to be submitted to the region for  
14 expenditure. Approximately \$18.4 million is allocated for  
15 distribution as per capita growth payments. A prospective  
16 per capita growth payment amount of \$6.00 is specified for  
17 distribution in two payments. The first payment is equal to  
18 the product of \$5.00 times the county's general population.  
19 This payment is to be combined with a state payment program  
20 remittance based on the amount the county received from the  
21 state payment program in FY 2011-2012. The funding sources for  
22 the state payment program remittance are the federal social  
23 services block grant and the temporary assistance for needy  
24 families block grant and total approximately \$11.25 million.  
25 The combined payment is required to be remitted to counties on  
26 or before July 15, 2013.

27 Approximately \$11.5 million is allocated to make  
28 stabilization payments to those counties in which the mental  
29 health and disabilities services fund net expenditures for FY  
30 2012-2013 exceed the sum of the counties' state payment program  
31 remittances plus the services fund levies for FY 2013-2014.  
32 However, if the total of the stabilization payments exceeds the  
33 allocation amount, DHS is required to reduce the provisional  
34 per capita growth payment amount to provide sufficient funding  
35 to address the excess. If the total of the stabilization

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1 payments is less than the amount allocated, the provisional per  
2 capita growth payment amount is to be increased to address the  
3 reduced amount. Any sustainability payment is to be combined  
4 with the second per capita growth payment and remitted to  
5 counties on or before January 2, 2014.

6 DHS is required to review options for the MH/DS regions to  
7 coordinate the county funding for detoxification and other  
8 such county-provided disorder funding in place of county  
9 coordination. DHS is required to report to the governor and  
10 general assembly its findings, options, and recommendations on  
11 or before October 15, 2013.

12 Any county obligation for payment to DHS of the nonfederal  
13 share of the cost of services provided under the Medicaid  
14 program prior to July 1, 2012, is required to remain at the  
15 amount agreed upon as of June 30, 2013. Beginning July 1,  
16 2013, other than a county payment on the obligation or for a  
17 charge when the county is the provider of a service, DHS is  
18 responsible for any adjustment that would otherwise be applied  
19 to the amount of the county obligation after that date due to  
20 cost settlement of charges or other reasons.

21 For FY 2013-2014, until the county management plan for MH/DS  
22 is replaced with a regional services system management plan,  
23 the county management plan remains applicable.

24 The legislative council is requested to continue the general  
25 assembly's MH/DS redesign fiscal viability study committee that  
26 met during the 2012 legislative interim for the next interim,  
27 to add at least four citizen members, and to direct the study  
28 committee to propose a permanent approach for financing the  
29 MH/DS redesign.

30 This division takes effect upon enactment.

31 DATA AND STATISTICAL INFORMATION AND OUTCOME AND PERFORMANCE  
32 MEASURES. This division addresses recommendations submitted by  
33 the data and statistical information integration workgroup and  
34 the outcomes and performance measures committee.

35 Current law is amended in Code section 225C.4, relating

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1 to the duties of the DHS MH/DS division administrator, and  
2 in Code section 225C.6A, relating to disability services  
3 system redesign, to delineate requirements pertaining to  
4 MH/DS state collection and management information systems  
5 and outcome and performance data. These Code provisions  
6 were previously amended by SF 2315. The bill incorporates  
7 the SF 2315 amendments and adds new language and repeals  
8 the SF 2315 amendments that would otherwise take effect on  
9 July 1, 2013. For Code section 225C.4, the bill references  
10 in the administrator's duties the specific new requirements  
11 established by the bill in Code section 225C.6A. The new  
12 requirements pertain to DHS implementation of a central data  
13 repository, information exchange capacity, regular reporting  
14 of individual information, data security, consultation with  
15 regional staff, providers, and other stakeholders, engaging  
16 with other data systems, outcome and performance measure  
17 domains, use of surveys, evaluation of both regional and  
18 Medicaid services, provision of data to the public via an  
19 internet-based approach with graphical information, and  
20 inclusion of significant costs associated with the data and  
21 measures in the DHS budget.

22 CHILDREN'S CABINET. This division addresses recommendations  
23 submitted by the children's disability workgroup to create a  
24 children's cabinet.

25 New Code section 242.1 lists legislative findings as to the  
26 need for a children's cabinet.

27 New Code section 242.2 provides for appointment of members  
28 to the children's cabinet. The director of DHS or the  
29 director's designee is to be the chairperson of the cabinet and  
30 appoint up to three additional members to the cabinet, and DHS  
31 is required to staff the cabinet. Various state agencies are  
32 identified for membership along with community stakeholders.  
33 Four members of the general assembly are required to be  
34 appointed to serve in an ex officio, nonvoting capacity.

35 New Code section 242.3 delineates the duties of the

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1 children's cabinet in making recommendations to the agencies  
2 represented on the cabinet and to the governor, general  
3 assembly, and judicial branch. The areas of recommendation  
4 include proposing operating provisions for health homes  
5 for children and the practices utilized by other aspects of  
6 the service systems for children. If the cabinet makes a  
7 recommendation to an agency or organization represented on the  
8 cabinet, the agency or organization must respond within 60  
9 business days detailing how the recommendation was addressed.  
10 The children's cabinet is required to report annually by  
11 December 15 to the governor, general assembly, and supreme  
12 court providing findings and recommendations and issue other  
13 reports as deemed necessary by the cabinet.

14 A temporary provision provides for appointment of  
15 approximately half of the initial voting members of the  
16 children's cabinet other than department heads to two-year  
17 terms in order to stagger the terms.

18 CENTER FOR CHILD HEALTH INNOVATION AND EXCELLENCE. This  
19 division requires the department of public health to create a  
20 center for child health excellence and innovation. The purpose  
21 of the center is to provide a policy forum for efforts to  
22 improve child health, including but not limited to improving  
23 health quality, demonstrating better health outcomes, and  
24 reducing long-term health care costs. The creation and  
25 operation of the center is subject to provision of funding by  
26 the general assembly.

27 The center is required to engage other departments of state  
28 government and child health providers and to perform various  
29 duties to further the purpose of the center.

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**Senate Study Bill 1251 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
SENATE APPROPRIATIONS  
SUBCOMMITTEE ON HEALTH AND  
HUMAN SERVICES)

(SUCCESSOR TO LSB 1004SA)

**A BILL FOR**

1 An Act relating to appropriations for health and human services  
2 and including other related provisions and appropriations,  
3 providing penalties, and including effective, retroactive,  
4 and applicability date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 DIVISION I  
2 DEPARTMENT ON AGING — FY 2013-2014  
3 Section 1. DEPARTMENT ON AGING. There is appropriated from  
4 the general fund of the state to the department on aging for  
5 the fiscal year beginning July 1, 2013, and ending June 30,  
6 2014, the following amount, or so much thereof as is necessary,  
7 to be used for the purposes designated:  
8 For aging programs for the department on aging and area  
9 agencies on aging to provide citizens of Iowa who are 60 years  
10 of age and older with case management for frail elders, Iowa's  
11 aging and disabilities resource center, and other services  
12 which may include but are not limited to adult day services,  
13 respite care, chore services, information and assistance,  
14 and material aid, for information and options counseling for  
15 persons with disabilities who are 18 years of age or older,  
16 and for salaries, support, administration, maintenance, and  
17 miscellaneous purposes, and for not more than the following  
18 full-time equivalent positions:  
19 ..... \$ 12,831,025  
20 ..... FTEs 28.00  
21 1. Funds appropriated in this section may be used to  
22 supplement federal funds under federal regulations. To  
23 receive funds appropriated in this section, a local area  
24 agency on aging shall match the funds with moneys from other  
25 sources according to rules adopted by the department. Funds  
26 appropriated in this section may be used for elderly services  
27 not specifically enumerated in this section only if approved  
28 by an area agency on aging for provision of the service within  
29 the area.  
30 2. Of the funds appropriated in this section, \$279,946  
31 shall be transferred to the economic development authority for  
32 the Iowa commission on volunteer services to be used for the  
33 retired and senior volunteer program.  
34 3. a. The department on aging shall establish and enforce  
35 procedures relating to expenditure of state and federal funds



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1 by area agencies on aging that require compliance with both  
2 state and federal laws, rules, and regulations, including but  
3 not limited to all of the following:

4 (1) Requiring that expenditures are incurred only for goods  
5 or services received or performed prior to the end of the  
6 fiscal period designated for use of the funds.

7 (2) Prohibiting prepayment for goods or services not  
8 received or performed prior to the end of the fiscal period  
9 designated for use of the funds.

10 (3) Prohibiting the prepayment for goods or services  
11 not defined specifically by good or service, time period, or  
12 recipient.

13 (4) Prohibiting the establishment of accounts from which  
14 future goods or services which are not defined specifically by  
15 good or service, time period, or recipient, may be purchased.

16 b. The procedures shall provide that if any funds are  
17 expended in a manner that is not in compliance with the  
18 procedures and applicable federal and state laws, rules, and  
19 regulations, and are subsequently subject to repayment, the  
20 area agency on aging expending such funds in contravention of  
21 such procedures, laws, rules and regulations, not the state,  
22 shall be liable for such repayment.

23 4. Of the funds appropriated in this section, \$250,000  
24 shall be used to fund services to meet the unmet needs of older  
25 individuals as identified in the annual compilation of unmet  
26 service units by the area agencies on aging.

27 5. Of the funds appropriated in this section, \$600,000  
28 shall be used to fund home and community-based services through  
29 the area agencies on aging that enable older individuals to  
30 avoid more costly utilization of residential or institutional  
31 services and remain in their own homes.

32 6. Of the funds appropriated in this section, \$2,210,646  
33 shall be used to administer the office of substitute decision  
34 maker established pursuant to chapter 231E, on a statewide  
35 basis.



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1     7. Of the funds appropriated in this subsection, \$40,000  
2 shall be used for implementation of a guardianship and  
3 conservatorship monitoring and assistance pilot project as  
4 specified in this Act.

5                                   DIVISION II

6     OFFICE OF LONG-TERM CARE RESIDENT'S ADVOCATE — FY 2013-2014

7     Sec. 2. OFFICE OF LONG-TERM CARE RESIDENT'S ADVOCATE. There  
8 is appropriated from the general fund of the state to the  
9 office of long-term care resident's advocate for the fiscal  
10 year beginning July 1, 2013, and ending June 30, 2014, the  
11 following amount, or so much thereof as is necessary, to be  
12 used for the purposes designated:

13     For salaries, support, administration, maintenance, and  
14 miscellaneous purposes, and for not more than the following  
15 full-time equivalent positions:

16 .....	\$	1,321,707
17 .....	FTEs	16.00

18     1. Of the funds appropriated in this section, \$500,000  
19 shall be used to provide five additional local long-term care  
20 resident's advocates to continue moving toward the national  
21 recommendation of one full-time equivalent paid staff ombudsman  
22 per 2,000 long-term care beds in the state.

23     2. Of the funds appropriated in this section, \$210,000  
24 shall be used to provide two local long-term care resident's  
25 advocates to administer the certified volunteer long-term  
26 care resident's advocate program pursuant to section 231.45,  
27 including operational certification and training costs.

28                                   DIVISION III

29     DEPARTMENT OF PUBLIC HEALTH — FY 2013-2014

30     Sec. 3. DEPARTMENT OF PUBLIC HEALTH. There is appropriated  
31 from the general fund of the state to the department of public  
32 health for the fiscal year beginning July 1, 2013, and ending  
33 June 30, 2014, the following amounts, or so much thereof as is  
34 necessary, to be used for the purposes designated:

35     1. ADDICTIVE DISORDERS

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1 For reducing the prevalence of use of tobacco, alcohol, and  
2 other drugs, and treating individuals affected by addictive  
3 behaviors, including gambling, and for not more than the  
4 following full-time equivalent positions:

5 ..... \$ 29,763,690  
6 ..... FTEs 13.00

7 a. (1) Of the funds appropriated in this subsection,  
8 \$7,753,830 shall be used for the tobacco use prevention  
9 and control initiative, including efforts at the state and  
10 local levels, as provided in chapter 142A. The commission  
11 on tobacco use prevention and control established pursuant  
12 to section 142A.3 shall advise the director of public health  
13 in prioritizing funding needs and the allocation of moneys  
14 appropriated for the programs and activities of the initiative  
15 under this subparagraph (1) and shall make recommendations to  
16 the director in the development of budget requests relating to  
17 the initiative.

18 (2) Of the funds allocated in this paragraph "a", \$50,000  
19 shall be used for a social media campaign to address tobacco  
20 use reduction.

21 (3) (a) Of the funds allocated in this paragraph "a",  
22 \$453,830 shall be transferred to the alcoholic beverages  
23 division of the department of commerce for enforcement of  
24 tobacco laws, regulations, and ordinances and to engage in  
25 tobacco control activities approved by the division of tobacco  
26 use prevention and control as specified in the memorandum of  
27 understanding entered into between the divisions.

28 (b) For the fiscal year beginning July 1, 2013, and ending  
29 June 30, 2014, the terms of the memorandum of understanding,  
30 entered into between the division of tobacco use prevention  
31 and control of the department of public health and the  
32 alcoholic beverages division of the department of commerce,  
33 governing compliance checks conducted to ensure licensed retail  
34 tobacco outlet conformity with tobacco laws, regulations, and  
35 ordinances relating to persons under eighteen years of age,



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1 shall restrict the number of such checks to one check per  
2 retail outlet, and one additional check for any retail outlet  
3 found to be in violation during the first check.

4 b. Of the funds appropriated in this subsection,  
5 \$22,049,360 shall be used for problem gambling and  
6 substance-related disorder prevention, treatment, and recovery  
7 services, including a 24-hour helpline, public information  
8 resources, professional training, and program evaluation.

9 (1) Of the funds allocated in this paragraph "b",  
10 \$18,932,508 shall be used for substance-related disorder  
11 prevention and treatment.

12 (a) Of the funds allocated in this subparagraph (1),  
13 \$899,300 shall be used for the public purpose of a grant  
14 program to provide substance-related disorder prevention  
15 programming for children.

16 (i) Of the funds allocated in this subparagraph division  
17 (a), \$427,539 shall be used for grant funding for organizations  
18 that provide programming for children by utilizing mentors.  
19 Programs approved for such grants shall be certified or will  
20 be certified within six months of receiving the grant award  
21 by the Iowa commission on volunteer services as utilizing the  
22 standards for effective practice for mentoring programs.

23 (ii) Of the funds allocated in this subparagraph division  
24 (a), \$426,839 shall be used for grant funding for organizations  
25 that provide programming that includes youth development and  
26 leadership. The programs shall also be recognized as being  
27 programs that are scientifically based with evidence of their  
28 effectiveness in reducing substance-related disorders in  
29 children.

30 (iii) The department of public health shall utilize a  
31 request for proposals process to implement the grant program.

32 (iv) All grant recipients shall participate in a program  
33 evaluation as a requirement for receiving grant funds.

34 (v) Of the funds allocated in this subparagraph division  
35 (a), up to \$44,922 may be used to administer substance-related



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1 disorder prevention grants and for program evaluations.

2 (b) Of the funds allocated in this subparagraph  
3 (1), \$273,062 shall be used for culturally competent  
4 substance-related disorder treatment pilot projects.

5 (i) The department shall utilize the amount allocated  
6 in this subparagraph division (b) for at least three pilot  
7 projects to provide culturally competent substance-related  
8 disorder treatment in various areas of the state. Each pilot  
9 project shall target a particular ethnic minority population.  
10 The populations targeted shall include but are not limited to  
11 African American, Asian, and Latino.

12 (ii) The pilot project requirements shall provide for  
13 documentation or other means to ensure access to the cultural  
14 competence approach used by a pilot project so that such  
15 approach can be replicated and improved upon in successor  
16 programs.

17 (2) Of the funds allocated in this paragraph "b", up  
18 to \$3,116,852 may be used for problem gambling prevention,  
19 treatment, and recovery services.

20 (a) Of the funds allocated in this subparagraph (2),  
21 \$2,579,000 shall be used for problem gambling prevention and  
22 treatment.

23 (b) Of the funds allocated in this subparagraph (2), up to  
24 \$437,852 may be used for a 24-hour helpline, public information  
25 resources, professional training, and program evaluation.

26 (c) Of the funds allocated in this subparagraph (2), up  
27 to \$100,000 may be used for the licensing of problem gambling  
28 treatment programs.

29 (3) It is the intent of the general assembly that from the  
30 moneys allocated in this paragraph "b", persons with a dual  
31 diagnosis of substance-related disorder and gambling addiction  
32 shall be given priority in treatment services.

33 c. Notwithstanding any provision of law to the contrary,  
34 to standardize the availability, delivery, cost of delivery,  
35 and accountability of problem gambling and substance-related



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1 disorder treatment services statewide, the department shall  
2 continue implementation of a process to create a system  
3 for delivery of treatment services in accordance with the  
4 requirements specified in 2008 Iowa Acts, chapter 1187, section  
5 3, subsection 4. To ensure the system provides a continuum  
6 of treatment services that best meets the needs of Iowans,  
7 the problem gambling and substance-related disorder treatment  
8 services in any area may be provided either by a single agency  
9 or by separate agencies submitting a joint proposal.

10 (1) The system for delivery of substance-related disorder  
11 and problem gambling treatment shall include problem gambling  
12 prevention.

13 (2) The system for delivery of substance-related disorder  
14 and problem gambling treatment shall include substance-related  
15 disorder prevention by July 1, 2014.

16 (3) Of the funds allocated in paragraph "b", the department  
17 may use up to \$100,000 for administrative costs to continue  
18 developing and implementing the process in accordance with this  
19 paragraph "c".

20 d. The requirement of section 123.53, subsection 5, is met  
21 by the appropriations and allocations made in this Act for  
22 purposes of substance-related disorder treatment and addictive  
23 disorders for the fiscal year beginning July 1, 2013.

24 e. The department of public health shall work with all  
25 other departments that fund substance-related disorder  
26 prevention and treatment services and all such departments  
27 shall, to the extent necessary, collectively meet the state  
28 maintenance of effort requirements for expenditures for  
29 substance-related disorder services as required under the  
30 federal substance-related disorder prevention and treatment  
31 block grant.

32 2. HEALTHY CHILDREN AND FAMILIES

33 For promoting the optimum health status for children,  
34 adolescents from birth through 21 years of age, and families,  
35 and for not more than the following full-time equivalent

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1 positions:

2 ..... \$ 6,996,099

3 ..... FTEs 10.00

4 a. Of the funds appropriated in this subsection, not more  
5 than \$739,318 shall be used for the healthy opportunities to  
6 experience success (HOPES)-healthy families Iowa (HFI) program  
7 established pursuant to section 135.106. The funding shall  
8 be distributed to renew the grants that were provided to the  
9 grantees that operated the program during the fiscal year  
10 ending June 30, 2013.

11 b. In order to implement the legislative intent stated in  
12 sections 135.106 and 256I.9, that priority for home visitation  
13 program funding be given to programs using evidence-based or  
14 promising models for home visitation, it is the intent of the  
15 general assembly to phase-in the funding priority in accordance  
16 with 2012 Iowa Acts, chapter 1133, section 2, subsection 2,  
17 paragraph 0b.

18 c. Of the funds appropriated in this subsection, \$2,672,425  
19 shall be used to expand the department's initiative to  
20 provide for adequate developmental surveillance and screening  
21 during a child's first five years statewide. The expansion  
22 shall include enhancing the scope of the program through  
23 collaboration with the child health specialty clinics to  
24 promote healthy child development through early identification  
25 and response to both biomedical and social determinants  
26 of healthy development; by developing child health metrics  
27 to inform practice, document long-term health impacts and  
28 savings, and provide for continuous improvement through  
29 training, education, and evaluation; and by providing for  
30 practitioner consultation particularly for children with  
31 behavioral conditions and needs. The department of public  
32 health shall also collaborate with the Iowa Medicaid enterprise  
33 and the child health specialty clinics to integrate the  
34 activities of the first five initiative into the establishment  
35 of patient-centered medical homes, community utilities,

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1 accountable care organizations, and other integrated care  
2 models developed to improve health quality and population  
3 health while reducing health care costs. To the maximum extent  
4 possible, funding allocated in this paragraph shall be utilized  
5 as matching funds for medical assistance program reimbursement.

6 d. Of the funds appropriated in this subsection, \$31,597  
7 shall be distributed to a statewide dental carrier to provide  
8 funds to continue the donated dental services program patterned  
9 after the projects developed by the lifeline network to provide  
10 dental services to indigent elderly and disabled individuals.

11 e. Of the funds appropriated in this subsection, \$112,677  
12 shall be used for childhood obesity prevention.

13 f. Of the funds appropriated in this subsection, \$163,760  
14 shall be used to provide audiological services and hearing  
15 aids for children. The department may enter into a contract  
16 to administer this paragraph.

17 g. Of the funds appropriated in this subsection, \$25,000  
18 shall be transferred to the university of Iowa college of  
19 dentistry for provision of primary dental services to children.  
20 State funds shall be matched on a dollar-for-dollar basis.  
21 The university of Iowa college of dentistry shall coordinate  
22 efforts with the department of public health, bureau of  
23 oral and health delivery systems, to provide dental care to  
24 underserved populations throughout the state.

25 h. Of the funds appropriated in this subsection, \$50,000  
26 shall be used to address youth suicide prevention.

27 i. Of the funds appropriated in this subsection, \$2,000,000  
28 shall be used to expand the I-smile oral health program to  
29 at-risk adults with a priority to serve individuals 60 years  
30 of age or older to improve systemic health and quality of  
31 life, including to individuals with disabilities and older  
32 individuals with physical, cognitive, or behavioral limitations  
33 or chronic or complex conditions that adversely affect oral  
34 self-care, result in greater susceptibility to oral disease, or  
35 limit accessibility to professional oral care.



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1     3. CHRONIC CONDITIONS

2     For serving individuals identified as having chronic  
3 conditions or special health care needs, and for not more than  
4 the following full-time equivalent positions:

5 ..... \$ 5,220,411

6 ..... FTEs 4.00

7     a. Of the funds appropriated in this subsection, \$160,582  
8 shall be used for grants to individual patients who have  
9 phenylketonuria (PKU) to assist with the costs of necessary  
10 special foods.

11    b. Of the funds appropriated in this subsection, \$893,600  
12 shall be used for the brain injury services program pursuant to  
13 section 135.22B, including for continuation of the contracts  
14 for resource facilitator services in accordance with section  
15 135.22B, subsection 9, and to enhance brain injury training and  
16 recruitment of service providers on a statewide basis. Of the  
17 amount allocated in this paragraph, \$95,000 shall be used to  
18 fund one full-time equivalent position to serve as the state  
19 brain injury service program manager.

20    c. Of the funds appropriated in this subsection, \$550,000  
21 shall be used as additional funding to leverage federal funding  
22 through the federal Ryan White Care Act, Tit. II, AIDS drug  
23 assistance program supplemental drug treatment grants.

24    d. Of the funds appropriated in this subsection, \$100,000  
25 shall be used for the public purpose of continuing a grant  
26 with an existing national-affiliated organization to provide  
27 education, client-centered programs, and client and family  
28 support for people living with epilepsy and their families.

29    e. Of the funds appropriated in this subsection, \$788,303  
30 shall be used for child health specialty clinics.

31    f. Of the funds appropriated in this subsection, \$400,000  
32 shall be used by the regional autism assistance program  
33 established pursuant to section 256.35, and administered by  
34 the child health specialty clinic located at the university of  
35 Iowa hospitals and clinics. The funds shall be used to enhance

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1 interagency collaboration and coordination of educational,  
2 medical, and other human services for persons with autism,  
3 their families, and providers of services, including delivering  
4 regionalized services of care coordination, family navigation,  
5 and integration of services through the statewide system of  
6 regional child health speciality clinics and fulfilling other  
7 requirements as specified in chapter 225D, creating the autism  
8 support program, as enacted in this Act. The university of  
9 Iowa shall not receive funds allocated under this paragraph for  
10 indirect costs associated with the regional autism assistance  
11 program.

12 g. Of the funds appropriated in this subsection, \$597,065  
13 shall be used for the comprehensive cancer control program to  
14 reduce the burden of cancer in Iowa through prevention, early  
15 detection, effective treatment, and ensuring quality of life.  
16 Of the funds allocated in this lettered paragraph, \$150,000  
17 shall be used to support a melanoma research symposium, a  
18 melanoma biorepository and registry, basic and translational  
19 melanoma research, and clinical trials.

20 h. Of the funds appropriated in this subsection, \$126,450  
21 shall be used for colon cancer screening, and \$500,000 shall  
22 be used to enhance the capacity of the breast and cervical  
23 cancer screening program to include provision of recommended  
24 prevention and early detection measures to a broader range of  
25 low-income women.

26 i. Of the funds appropriated in this subsection, \$528,834  
27 shall be used for the center for congenital and inherited  
28 disorders.

29 j. Of the funds appropriated in this subsection, \$129,937  
30 shall be used for the prescription drug donation repository  
31 program created in chapter 135M.

32 k. Of the funds appropriated in this subsection, \$215,263  
33 shall be used for the costs of the medical home system advisory  
34 council established pursuant to section 135.159 including  
35 incorporation of the development and implementation of the

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1 prevention and chronic care management state initiative.

2 1. Of the funds appropriated in this subsection, \$139,719  
3 shall be used to fund the state comprehensive Alzheimer's  
4 disease response strategy as enacted in this Act.

5 4. COMMUNITY CAPACITY

6 For strengthening the health care delivery system at the  
7 local level, and for not more than the following full-time  
8 equivalent positions:

9 ..... \$ 7,514,110

10 ..... FTEs 14.00

11 a. Of the funds appropriated in this subsection, \$100,000  
12 is allocated for continuation of the child vision screening  
13 program implemented through the university of Iowa hospitals  
14 and clinics in collaboration with early childhood Iowa areas.  
15 The program shall submit a report to the individuals identified  
16 in this Act for submission of reports regarding the use of  
17 funds allocated under this paragraph "a". The report shall  
18 include the objectives and results for the program year  
19 including the target population and how the funds allocated  
20 assisted the program in meeting the objectives; the number,  
21 age, and location within the state of individuals served;  
22 the type of services provided to the individuals served; the  
23 distribution of funds based on service provided; and the  
24 continuing needs of the program.

25 b. Of the funds appropriated in this subsection, \$111,308 is  
26 allocated for continuation of an initiative implemented at the  
27 university of Iowa and \$100,493 is allocated for continuation  
28 of an initiative at the state mental health institute at  
29 Cherokee to expand and improve the workforce engaged in mental  
30 health treatment and services. The initiatives shall receive  
31 input from the university of Iowa, the department of human  
32 services, the department of public health, and the mental  
33 health and disability services commission to address the focus  
34 of the initiatives.

35 c. Of the funds appropriated in this subsection, \$1,171,491

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1 shall be used for essential public health services that promote  
2 healthy aging throughout the lifespan, contracted through a  
3 formula for local boards of health, to enhance health promotion  
4 and disease prevention services.

5 d. Of the funds appropriated in this section, \$100,000 shall  
6 be deposited in the governmental public health system fund  
7 created in section 135A.8 to be used for the purposes of the  
8 fund.

9 e. Of the funds appropriated in this subsection, \$144,542  
10 shall be used for the mental health professional shortage area  
11 program implemented pursuant to section 135.180.

12 f. Of the funds appropriated in this subsection,  
13 \$38,263 shall be used for a grant to a statewide association  
14 of psychologists that is affiliated with the American  
15 psychological association to be used for continuation of a  
16 program to rotate intern psychologists in placements in urban  
17 and rural mental health professional shortage areas, as defined  
18 in section 135.180.

19 g. Of the funds appropriated in this subsection, the  
20 following amounts shall be allocated to the Iowa collaborative  
21 safety net provider network established pursuant to section  
22 135.153 to be used for the purposes designated. The following  
23 amounts allocated under this lettered paragraph shall be  
24 distributed to the specified provider and shall not be reduced  
25 for administrative or other costs prior to distribution:

26 (1) For distribution to the Iowa primary care association  
27 for statewide coordination of the Iowa collaborative safety net  
28 provider network:

29 ..... \$ 146,563

30 (2) For distribution to the Iowa primary care association  
31 to be used to continue a training program for sexual assault  
32 response team (SART) members, including representatives of  
33 law enforcement, victim advocates, prosecutors, and certified  
34 medical personnel:

35 ..... \$ 50,000

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1     (3) For distribution to federally qualified health centers  
2 for necessary infrastructure, statewide coordination, provider  
3 recruitment, service delivery, and provision of assistance to  
4 patients in determining an appropriate medical home:  
5 ..... \$       75,000  
6     (4) For distribution to the local boards of health that  
7 provide direct services for pilot programs in three counties to  
8 assist patients in securing a medical home inclusive of dental  
9 care:  
10 ..... \$       77,609  
11    (5) For distribution to maternal and child health centers  
12 for pilot programs in three service areas to assist patients in  
13 securing a medical home inclusive of dental care:  
14 ..... \$       95,582  
15    (6) For distribution to free clinics for necessary  
16 infrastructure, statewide coordination, provider recruitment,  
17 service delivery, and provision of assistance to patients in  
18 securing a medical home inclusive of dental care:  
19 ..... \$      400,000  
20    (7) For distribution to rural health clinics for necessary  
21 infrastructure, statewide coordination, provider recruitment,  
22 service delivery, and provision of assistance to patients in  
23 determining an appropriate medical home:  
24 ..... \$      142,192  
25    (8) For continuation of the safety net provider patient  
26 access to a specialty health care initiative as described in  
27 2007 Iowa Acts, chapter 218, section 109:  
28 ..... \$      450,000  
29    (9) For continuation of the pharmaceutical infrastructure  
30 for safety net providers as described in 2007 Iowa Acts,  
31 chapter 218, section 108:  
32 ..... \$      415,000  
33    (10) For distribution to the Iowa family planning network  
34 agencies for necessary infrastructure, statewide coordination,  
35 provider recruitment, service delivery, and provision of

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1 assistance to patients in determining an appropriate medical  
2 home:

3 ..... \$ 100,000

4 The Iowa collaborative safety net provider network may  
5 continue to distribute funds allocated pursuant to this  
6 lettered paragraph through existing contracts or renewal of  
7 existing contracts.

8 h. (1) Of the funds appropriated in this subsection,  
9 \$206,750 shall be used for continuation of the work of the  
10 direct care worker advisory council established pursuant to  
11 2008 Iowa Acts, chapter 1188, section 69, in implementing the  
12 recommendations in the final report submitted by the advisory  
13 council to the governor and the general assembly in March 2012.

14 (2) The advisory council, in collaboration with the board  
15 of direct care professionals created in chapter 152F, if  
16 enacted in 2013 Iowa Acts, Senate File 232, or 2013 successor  
17 legislation, shall do all of the following:

18 (a) Develop and conduct necessary outreach and education  
19 for individuals providing direct care services, consumers,  
20 training providers including but not limited to community  
21 college health occupation and training centers, employers, and  
22 other interested parties to provide information about and the  
23 process for participation in direct care professional voluntary  
24 certification.

25 (b) Determine data collection needs, collect data, and  
26 track and analyze data to determine the effect of certification  
27 on recruitment and retention, turnover rates, the cost of  
28 turnover, consumer and employer satisfaction, and public  
29 protection. The analysis of the data collected shall also be  
30 used to inform changes in the certification system to provide  
31 for continuous improvement for direct care professionals,  
32 consumers and employers, and the public.

33 i. (1) Of the funds appropriated in this subsection,  
34 \$207,750 shall be used for allocation to an independent  
35 statewide direct care worker association under continuation





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1 of the contract in effect during the fiscal year ending June  
2 30, 2013, with terms determined by the director of public  
3 health relating to education, outreach, leadership development,  
4 mentoring, and other initiatives intended to enhance the  
5 recruitment and retention of direct care workers in health care  
6 and long-term care settings.

7 (2) Of the funds appropriated in this subsection, \$75,000  
8 shall be used to provide scholarships or other forms of  
9 subsidization for direct care worker educational conferences,  
10 training, or outreach activities.

11 (3) Of the funds appropriated in this subsection, up to  
12 \$300,000 shall be used for the direct care professional board  
13 created pursuant to chapter 152F, if enacted in 2013 Iowa Acts,  
14 Senate File 232, or 2013 successor legislation. However,  
15 expenditure of the funds allocated in this subparagraph (3)  
16 shall be limited to \$184,530 for the initial 5,000 applications  
17 for certification received. Expenditure of the remainder  
18 shall be expended incrementally, according to the number of  
19 additional applications received.

20 j. Of the funds appropriated in this subsection, the  
21 department may use up to \$58,518 for up to one full-time  
22 equivalent position to administer the volunteer health care  
23 provider program pursuant to section 135.24.

24 k. Of the funds appropriated in this subsection, \$50,000  
25 shall be used for a matching dental education loan repayment  
26 program to be allocated to a dental nonprofit health service  
27 corporation to develop the criteria and implement the loan  
28 repayment program.

29 l. Of the funds appropriated in this subsection, \$105,823  
30 shall be transferred to the college student aid commission for  
31 deposit in the rural Iowa primary care trust fund created in  
32 section 261.113 to be used for the purposes of the fund.

33 m. Of the funds appropriated in this subsection, \$150,000  
34 shall be used for the purposes of the Iowa donor registry as  
35 specified in section 142C.18.



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1     n. Of the funds appropriated in this subsection, \$100,000  
2 shall be used for continuation of a grant to a nationally  
3 affiliated volunteer eye organization that has an established  
4 program for children and adults and that is solely dedicated to  
5 preserving sight and preventing blindness through education,  
6 nationally certified vision screening and training, and  
7 community and patient service programs. The organization  
8 shall submit a report to the individuals identified in this  
9 Act for submission of reports regarding the use of funds  
10 allocated under this paragraph "n". The report shall include  
11 the objectives and results for the program year including  
12 the target population and how the funds allocated assisted  
13 the program in meeting the objectives; the number, age, and  
14 location within the state of individuals served; the type of  
15 services provided to the individuals served; the distribution  
16 of funds based on service provided; and the continuing needs  
17 of the program.

18     o. Of the funds appropriated in this subsection, \$25,000  
19 shall be used for the establishment of wellness council under  
20 the direction of the director of public health to increase  
21 support for wellness activities in the state.

22     p. Of the funds appropriated in this section, \$1,158,150  
23 is allocated to the Iowa collaborative safety net provider  
24 network established pursuant to section 135.153 to be used for  
25 development and implementation of a statewide regionally-based  
26 network to provide an integrated approach to health care  
27 delivery through care coordination that supports primary  
28 care providers and links patients with community resources  
29 necessary to empower patients in addressing biomedical and  
30 social determinants of health to improve health outcomes. The  
31 Iowa collaborative safety net provider network shall submit a  
32 report to the individuals designated in this Act for submission  
33 of reports by June 30, 2013, including progress in developing  
34 and implementing the network, how the funds were distributed  
35 and used in developing and implementing the network, and the

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1 remaining needs in developing and implementing the network.

2 q. Of the funds appropriated in this section, \$500,000 shall  
3 be deposited in the area health education centers fund, as  
4 enacted by this Act, to be used for the purposes of the fund.

5 r. Of the funds appropriated in this section, \$50,000 shall  
6 be used for the public purpose of supporting a partnership  
7 between medical providers and parents through community health  
8 centers to promote reading and encourage literacy skills so  
9 children enter school prepared for success in reading.

10 5. HEALTHY AGING

11 To provide public health services that reduce risks and  
12 invest in promoting and protecting good health over the  
13 course of a lifetime with a priority given to older Iowans and  
14 vulnerable populations:

15 ..... \$ 7,297,142

16 a. Of the funds appropriated in this subsection, \$2,009,187  
17 shall be used for local public health nursing services.

18 b. Of the funds appropriated in this subsection, \$5,287,955  
19 shall be used for home care aide services.

20 6. ENVIRONMENTAL HAZARDS

21 For reducing the public's exposure to hazards in the  
22 environment, primarily chemical hazards, and for not more than  
23 the following full-time equivalent positions:

24 ..... \$ 803,870

25 ..... FTEs 4.00

26 Of the funds appropriated in this subsection, \$544,377 shall  
27 be used for childhood lead poisoning provisions.

28 7. INFECTIOUS DISEASES

29 For reducing the incidence and prevalence of communicable  
30 diseases, and for not more than the following full-time  
31 equivalent positions:

32 ..... \$ 1,335,155

33 ..... FTEs 4.00

34 8. PUBLIC PROTECTION

35 For protecting the health and safety of the public through

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1 establishing standards and enforcing regulations, and for not  
2 more than the following full-time equivalent positions:  
3 ..... \$ 3,259,571  
4 ..... FTEs 130.00  
5 a. Of the funds appropriated in this subsection, not more  
6 than \$500,334 shall be credited to the emergency medical  
7 services fund created in section 135.25. Moneys in the  
8 emergency medical services fund are appropriated to the  
9 department to be used for the purposes of the fund.  
10 b. Of the funds appropriated in this subsection, \$210,619  
11 shall be used for sexual violence prevention programming  
12 through a statewide organization representing programs serving  
13 victims of sexual violence through the department's sexual  
14 violence prevention program. The amount allocated in this  
15 lettered paragraph shall not be used to supplant funding  
16 administered for other sexual violence prevention or victims  
17 assistance programs.  
18 c. Of the funds appropriated in this subsection, not more  
19 than \$539,477 shall be used for the state poison control  
20 center.  
21 d. Of the funds appropriated in this section, \$368,000 shall  
22 be used for maintenance of environmental health programs to  
23 ensure public safety.  
24 e. Of the funds appropriated in this section, \$28,000 shall  
25 be used as one-time funding to transition the licensing of  
26 orthotists, prosthetists, and pedorthists to a fee-supported  
27 licensing model.  
28 f. Of the funds appropriated in this section, \$28,644 shall  
29 be used for the costs of the emergency medical services task  
30 force as enacted in this Act.  
31 g. Of the funds appropriated in this section, \$55,800 shall  
32 be used as one-time funding for the board of behavioral science  
33 to incorporate the provisions of 2013 Iowa Acts, House File  
34 569, if enacted, relating to the licensure of professional  
35 practicing substance and addictive disorder counseling or



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1 providing substance and addictive disorder prevention services.

2 9. RESOURCE MANAGEMENT

3 For establishing and sustaining the overall ability of the  
4 department to deliver services to the public, and for not more  
5 than the following full-time equivalent positions:

6 ..... \$ 804,054

7 ..... FTEs 7.00

8 The university of Iowa hospitals and clinics under the  
9 control of the state board of regents shall not receive  
10 indirect costs from the funds appropriated in this section.  
11 The university of Iowa hospitals and clinics billings to the  
12 department shall be on at least a quarterly basis.

13 DIVISION IV

14 DEPARTMENT OF VETERANS AFFAIRS — FY 2013-2014

15 Sec. 4. DEPARTMENT OF VETERANS AFFAIRS. There is  
16 appropriated from the general fund of the state to the  
17 department of veterans affairs for the fiscal year beginning  
18 July 1, 2013, and ending June 30, 2014, the following amounts,  
19 or so much thereof as is necessary, to be used for the purposes  
20 designated:

21 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

22 For salaries, support, maintenance, and miscellaneous  
23 purposes, including the war orphans educational assistance fund  
24 created in section 35.8, or a successor funding provision for  
25 war orphans educational assistance, if enacted, and for not  
26 more than the following full-time equivalent positions:

27 ..... \$ 1,093,508

28 ..... FTEs 13.00

29 2. IOWA VETERANS HOME

30 For salaries, support, maintenance, and miscellaneous  
31 purposes:

32 ..... \$ 8,025,714

33 a. The Iowa veterans home billings involving the department  
34 of human services shall be submitted to the department on at  
35 least a monthly basis.

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1     b. If there is a change in the employer of employees  
2 providing services at the Iowa veterans home under a collective  
3 bargaining agreement, such employees and the agreement shall  
4 be continued by the successor employer as though there had not  
5 been a change in employer.

6     c. Within available resources and in conformance with  
7 associated state and federal program eligibility requirements,  
8 the Iowa veterans home may implement measures to provide  
9 financial assistance to or on behalf of veterans or their  
10 spouses who are participating in the community reentry program.

11    d. The Iowa veterans home expenditure report shall be  
12 submitted monthly to the legislative services agency.

13     3. STATE EDUCATIONAL ASSISTANCE — CHILDREN OF DECEASED  
14 VETERANS

15     For provision of educational assistance pursuant to section  
16 35.9:

17 ..... \$       12,416

18     4. HOME OWNERSHIP ASSISTANCE PROGRAM

19     For transfer to the Iowa finance authority for the  
20 continuation of the home ownership assistance program for  
21 persons who are or were eligible members of the armed forces of  
22 the United States, pursuant to section 16.54:

23 ..... \$   1,600,000

24     Sec. 5. LIMITATION OF COUNTY COMMISSIONS OF VETERAN AFFAIRS  
25 FUND STANDING APPROPRIATIONS. Notwithstanding the standing  
26 appropriation in the following designated section for the  
27 fiscal year beginning July 1, 2013, and ending June 30, 2014,  
28 the amounts appropriated from the general fund of the state  
29 pursuant to that section for the following designated purposes  
30 shall not exceed the following amount:

31     For the county commissions of veteran affairs fund under  
32 section 35A.16:

33 ..... \$       990,000

34                                   DIVISION V

35                   DEPARTMENT OF HUMAN SERVICES — FY 2013-2014

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1     Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK  
2 GRANT. There is appropriated from the fund created in section  
3 8.41 to the department of human services for the fiscal year  
4 beginning July 1, 2013, and ending June 30, 2014, from moneys  
5 received under the federal temporary assistance for needy  
6 families (TANF) block grant pursuant to the federal Personal  
7 Responsibility and Work Opportunity Reconciliation Act of 1996,  
8 Pub. L. No. 104-193, and successor legislation, the following  
9 amounts, or so much thereof as is necessary, to be used for the  
10 purposes designated:

11     1. To be credited to the family investment program account  
12 and used for assistance under the family investment program  
13 under chapter 239B:

14 ..... \$ 18,116,948

15     2. To be credited to the family investment program account  
16 and used for the job opportunities and basic skills (JOBS)  
17 program and implementing family investment agreements in  
18 accordance with chapter 239B:

19 ..... \$ 11,866,439

20     3. To be used for the family development and  
21 self-sufficiency grant program in accordance with section  
22 216A.107:

23 ..... \$ 2,898,980

24     Notwithstanding section 8.33, moneys appropriated in this  
25 subsection that remain unencumbered or unobligated at the close  
26 of the fiscal year shall not revert but shall remain available  
27 for expenditure for the purposes designated until the close of  
28 the succeeding fiscal year. However, unless such moneys are  
29 encumbered or obligated on or before September 30, 2014, the  
30 moneys shall revert.

31     4. For field operations:

32 ..... \$ 31,296,232

33     5. For general administration:

34 ..... \$ 3,744,000

35     6. For state child care assistance:

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1 ..... \$ 19,382,687  
2     The funds appropriated in this subsection shall be  
3 transferred to the child care and development block grant  
4 appropriation made by the Eighty-fifth General Assembly, 2013  
5 Session, for the federal fiscal year beginning October 1,  
6 2013, and ending September 30, 2014. Of this amount, \$200,000  
7 shall be used for provision of educational opportunities to  
8 registered child care home providers in order to improve  
9 services and programs offered by this category of providers  
10 and to increase the number of providers. The department may  
11 contract with institutions of higher education or child care  
12 resource and referral centers to provide the educational  
13 opportunities. Allowable administrative costs under the  
14 contracts shall not exceed 5 percent. The application for a  
15 grant shall not exceed two pages in length.  
16     7. For transfer to the property tax relief fund and  
17 distribution to counties for mental health and disability  
18 services as provided in an appropriation made for this purpose:  
19 ..... \$ 4,894,052  
20     8. For child and family services:  
21 ..... \$ 32,084,430  
22     9. For child abuse prevention grants:  
23 ..... \$ 125,000  
24     10. For pregnancy prevention grants on the condition that  
25 family planning services are funded:  
26 ..... \$ 1,930,067  
27     Pregnancy prevention grants shall be awarded to programs  
28 in existence on or before July 1, 2013, if the programs have  
29 demonstrated positive outcomes. Grants shall be awarded to  
30 pregnancy prevention programs which are developed after July  
31 1, 2013, if the programs are based on existing models that  
32 have demonstrated positive outcomes. Grants shall comply with  
33 the requirements provided in 1997 Iowa Acts, chapter 208,  
34 section 14, subsections 1 and 2, including the requirement that  
35 grant programs must emphasize sexual abstinence. Priority in

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1 the awarding of grants shall be given to programs that serve  
2 areas of the state which demonstrate the highest percentage of  
3 unplanned pregnancies of females of childbearing age within the  
4 geographic area to be served by the grant.

5 11. For technology needs and other resources necessary  
6 to meet federal welfare reform reporting, tracking, and case  
7 management requirements:

8 ..... \$ 1,037,186

9 12. To be credited to the state child care assistance  
10 appropriation made in this section to be used for funding of  
11 community-based early childhood programs targeted to children  
12 from birth through five years of age developed by early  
13 childhood Iowa areas as provided in section 256I.8:

14 ..... \$ 6,350,000

15 The department shall transfer TANF block grant funding  
16 appropriated and allocated in this subsection to the child care  
17 and development block grant appropriation in accordance with  
18 federal law as necessary to comply with the provisions of this  
19 subsection.

20 13. a. Notwithstanding any provision to the contrary,  
21 including but not limited to requirements in section 8.41 or  
22 provisions in 2012 or 2013 Iowa Acts regarding the receipt and  
23 appropriation of federal block grants, federal funds from the  
24 temporary assistance for needy families block grant received  
25 by the state not otherwise appropriated in this section and  
26 remaining available for the fiscal year beginning July 1,  
27 2013, are appropriated to the department of human services to  
28 the extent as may be necessary to be used in the following  
29 priority order: the family investment program for the fiscal  
30 year and for state child care assistance program payments for  
31 individuals enrolled in the family investment program who are  
32 employed. The federal funds appropriated in this paragraph "a"  
33 shall be expended only after all other funds appropriated in  
34 subsection 1 for the assistance under the family investment  
35 program under chapter 239B have been expended.

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1     b. The department shall, on a quarterly basis, advise the  
2 legislative services agency and department of management of  
3 the amount of funds appropriated in this subsection that was  
4 expended in the prior quarter.

5     14. Of the amounts appropriated in this section,  
6 \$12,962,008 for the fiscal year beginning July 1, 2013, shall  
7 be transferred to the appropriation of the federal social  
8 services block grant made to the department of human services  
9 for that fiscal year.

10    15. For continuation of the program providing categorical  
11 eligibility for the food assistance program:

12 ..... \$       25,000

13    16. The department may transfer funds allocated in this  
14 section to the appropriations made in this division of this Act  
15 for the same fiscal year for general administration and field  
16 operations for resources necessary to implement and operate the  
17 services referred to in this section and those funded in the  
18 appropriation made in this division of this Act for the same  
19 fiscal year for the family investment program from the general  
20 fund of the state.

21    Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

22    1. Moneys credited to the family investment program (FIP)  
23 account for the fiscal year beginning July 1, 2013, and  
24 ending June 30, 2014, shall be used to provide assistance in  
25 accordance with chapter 239B.

26    2. The department may use a portion of the moneys credited  
27 to the FIP account under this section as necessary for  
28 salaries, support, maintenance, and miscellaneous purposes.

29    3. The department may transfer funds allocated in this  
30 section to the appropriations made in this division of this Act  
31 for the same fiscal year for general administration and field  
32 operations for resources necessary to implement and operate the  
33 services referred to in this section and those funded in the  
34 appropriation made in this division of this Act for the same  
35 fiscal year for the family investment program from the general

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1 fund of the state.

2 4. Moneys appropriated in this division of this Act and  
3 credited to the FIP account for the fiscal year beginning July  
4 1, 2013, and ending June 30, 2014, are allocated as follows:

5 a. To be retained by the department of human services to  
6 be used for coordinating with the department of human rights  
7 to more effectively serve participants in the FIP program and  
8 other shared clients and to meet federal reporting requirements  
9 under the federal temporary assistance for needy families block  
10 grant:

11 ..... \$ 20,000

12 b. To the department of human rights for staffing,  
13 administration, and implementation of the family development  
14 and self-sufficiency grant program in accordance with section  
15 216A.107:

16 ..... \$ 6,500,000

17 (1) Of the funds allocated for the family development and  
18 self-sufficiency grant program in this lettered paragraph,  
19 not more than 5 percent of the funds shall be used for the  
20 administration of the grant program.

21 (2) The department of human rights may continue to implement  
22 the family development and self-sufficiency grant program  
23 statewide during fiscal year 2013-2014.

24 c. For the diversion subaccount of the FIP account:

25 ..... \$ 1,698,400

26 A portion of the moneys allocated for the subaccount may  
27 be used for field operations salaries, data management system  
28 development, and implementation costs and support deemed  
29 necessary by the director of human services in order to  
30 administer the FIP diversion program.

31 d. For the food assistance employment and training program:

32 ..... \$ 66,588

33 (1) The department shall apply the federal supplemental  
34 nutrition assistance program (SNAP) employment and training  
35 state plan in order to maximize to the fullest extent permitted

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1 by federal law the use of the 50 percent federal reimbursement  
2 provisions for the claiming of allowable federal reimbursement  
3 funds from the United States department of agriculture  
4 pursuant to the federal SNAP employment and training program  
5 for providing education, employment, and training services  
6 for eligible food assistance program participants, including  
7 but not limited to related dependent care and transportation  
8 expenses.

9 (2) The department shall continue the categorical federal  
10 food assistance program eligibility at 160 percent of the  
11 federal poverty level and continue to eliminate the asset test  
12 from eligibility requirements, consistent with federal food  
13 assistance program requirements. The department shall include  
14 as many food assistance households as is allowed by federal  
15 law. The eligibility provisions shall conform to all federal  
16 requirements including requirements addressing individuals who  
17 are incarcerated or otherwise ineligible.

18 e. For the JOBS program:

19 ..... \$ 19,690,816

20 5. Of the child support collections assigned under FIP,  
21 an amount equal to the federal share of support collections  
22 shall be credited to the child support recovery appropriation  
23 made in this division of this Act. Of the remainder of the  
24 assigned child support collections received by the child  
25 support recovery unit, a portion shall be credited to the FIP  
26 account, a portion may be used to increase recoveries, and a  
27 portion may be used to sustain cash flow in the child support  
28 payments account. If as a consequence of the appropriations  
29 and allocations made in this section the resulting amounts  
30 are insufficient to sustain cash assistance payments and meet  
31 federal maintenance of effort requirements, the department  
32 shall seek supplemental funding. If child support collections  
33 assigned under FIP are greater than estimated or are otherwise  
34 determined not to be required for maintenance of effort, the  
35 state share of either amount may be transferred to or retained

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1 in the child support payment account.

2 6. The department may adopt emergency rules for the family  
3 investment, JOBS, food assistance, and medical assistance  
4 programs if necessary to comply with federal requirements.

5 Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There  
6 is appropriated from the general fund of the state to the  
7 department of human services for the fiscal year beginning July  
8 1, 2013, and ending June 30, 2014, the following amount, or  
9 so much thereof as is necessary, to be used for the purpose  
10 designated:

11 To be credited to the family investment program (FIP)  
12 account and used for family investment program assistance under  
13 chapter 239B:

14 ..... \$ 48,894,380

15 1. Of the funds appropriated in this section, \$7,824,377 is  
16 allocated for the JOBS program.

17 2. Of the funds appropriated in this section, \$3,621,020 is  
18 allocated for the family development and self-sufficiency grant  
19 program.

20 3. Notwithstanding section 8.39, for the fiscal year  
21 beginning July 1, 2013, if necessary to meet federal  
22 maintenance of effort requirements or to transfer federal  
23 temporary assistance for needy families block grant funding  
24 to be used for purposes of the federal social services block  
25 grant or to meet cash flow needs resulting from delays in  
26 receiving federal funding or to implement, in accordance with  
27 this division of this Act, activities currently funded with  
28 juvenile court services, county, or community moneys and state  
29 moneys used in combination with such moneys, the department  
30 of human services may transfer funds within or between any  
31 of the appropriations made in this division of this Act and  
32 appropriations in law for the federal social services block  
33 grant to the department for the following purposes, provided  
34 that the combined amount of state and federal temporary  
35 assistance for needy families block grant funding for each

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1 appropriation remains the same before and after the transfer:

- 2 a. For the family investment program.
- 3 b. For child care assistance.
- 4 c. For child and family services.
- 5 d. For field operations.
- 6 e. For general administration.
- 7 f. For distribution to counties for state case services for
- 8 persons with mental illness, an intellectual disability, or a
- 9 developmental disability.

10 This subsection shall not be construed to prohibit the use  
11 of existing state transfer authority for other purposes. The  
12 department shall report any transfers made pursuant to this  
13 subsection to the legislative services agency.

14 4. Of the funds appropriated in this section, \$195,678 shall  
15 be used for continuation of a grant to an Iowa-based nonprofit  
16 organization with a history of providing tax preparation  
17 assistance to low-income Iowans in order to expand the usage of  
18 the earned income tax credit. The purpose of the grant is to  
19 supply this assistance to underserved areas of the state.

20 5. Of the funds appropriated in this section, \$40,000  
21 shall be used to fund the expansion of an existing unfunded  
22 pilot project, as defined in 441 IAC 100.1, relating to  
23 parental obligations, in which the child support recovery  
24 unit participates, to support the efforts of a nonprofit  
25 organization committed to strengthening the community through  
26 youth development, healthy living, and social responsibility in  
27 a county with a population over 350,000. The funds allocated  
28 in this subsection shall be used by the recipient organization  
29 to develop a larger community effort, through public and  
30 private partnerships, to support a broad-based fatherhood  
31 initiative that promotes payment of child support obligations,  
32 improved family relationships, and full-time employment.

33 6. The department may transfer funds appropriated in this  
34 section to the appropriations made in this division of this Act  
35 for general administration and field operations as necessary



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1 to administer this section and the overall family investment  
2 program.

3     Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated  
4 from the general fund of the state to the department of human  
5 services for the fiscal year beginning July 1, 2013, and ending  
6 June 30, 2014, the following amount, or so much thereof as is  
7 necessary, to be used for the purposes designated:

8     For child support recovery, including salaries, support,  
9 maintenance, and miscellaneous purposes, and for not more than  
10 the following full-time equivalent positions:

11 .....	\$ 14,173,770
12 .....	FTEs       464.00

13     1. The department shall expend up to \$24,329, including  
14 federal financial participation, for the fiscal year beginning  
15 July 1, 2013, for a child support public awareness campaign.  
16 The department and the office of the attorney general shall  
17 cooperate in continuation of the campaign. The public  
18 awareness campaign shall emphasize, through a variety of  
19 media activities, the importance of maximum involvement of  
20 both parents in the lives of their children as well as the  
21 importance of payment of child support obligations.

22     2. Federal access and visitation grant moneys shall be  
23 issued directly to private not-for-profit agencies that provide  
24 services designed to increase compliance with the child access  
25 provisions of court orders, including but not limited to  
26 neutral visitation sites and mediation services.

27     3. The appropriation made to the department for child  
28 support recovery may be used throughout the fiscal year in the  
29 manner necessary for purposes of cash flow management, and for  
30 cash flow management purposes the department may temporarily  
31 draw more than the amount appropriated, provided the amount  
32 appropriated is not exceeded at the close of the fiscal year.

33     4. With the exception of the funding amount specified, the  
34 requirements established under 2001 Iowa Acts, chapter 191,  
35 section 3, subsection 5, paragraph "c", subparagraph (3), shall

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1 be applicable to parental obligation pilot projects for the  
2 fiscal year beginning July 1, 2013, and ending June 30, 2014.  
3 Notwithstanding 441 IAC 100.8, providing for termination of  
4 rules relating to the pilot projects, the rules shall remain  
5 in effect until June 30, 2014.

6 Sec. 10. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE —  
7 FY 2013-2014. Any funds remaining in the health care trust  
8 fund created in section 453A.35A for the fiscal year beginning  
9 July 1, 2013, and ending June 30, 2014, are appropriated to  
10 the department of human services to supplement the medical  
11 assistance program appropriations made in this division of this  
12 Act, for medical assistance reimbursement and associated costs,  
13 including program administration and costs associated with  
14 program implementation.

15 Sec. 11. MEDICAL ASSISTANCE. There is appropriated from the  
16 general fund of the state to the department of human services  
17 for the fiscal year beginning July 1, 2013, and ending June 30,  
18 2014, the following amount, or so much thereof as is necessary,  
19 to be used for the purpose designated:

20 For medical assistance program reimbursement and associated  
21 costs as specifically provided in the reimbursement  
22 methodologies in effect on June 30, 2013, except as otherwise  
23 expressly authorized by law, and consistent with options under  
24 federal law and regulations:

25 ..... \$ 1,292,985,748

26 1. The funds appropriated in this section shall be used  
27 in accordance with 2011 Iowa Acts, chapter 129, section 10,  
28 subsection 1.

29 2. The department shall utilize not more than \$60,000 of  
30 the funds appropriated in this section to continue the AIDS/HIV  
31 health insurance premium payment program as established in 1992  
32 Iowa Acts, Second Extraordinary Session, chapter 1001, section  
33 409, subsection 6. Of the funds allocated in this subsection,  
34 not more than \$5,000 may be expended for administrative  
35 purposes.





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1     3. Of the funds appropriated in this Act to the department  
2 of public health for addictive disorders, \$950,000 for the  
3 fiscal year beginning July 1, 2013, shall be transferred  
4 to the department of human services for an integrated  
5 substance-related disorder managed care system. The department  
6 shall not assume management of the substance-related disorder  
7 system in place of the managed care contractor unless such  
8 a change in approach is specifically authorized in law.  
9 The departments of human services and public health shall  
10 work together to maintain the level of mental health and  
11 substance-related disorder treatment services provided by the  
12 managed care contractor through the Iowa plan for behavioral  
13 health. Each department shall take the steps necessary to  
14 continue the federal waivers as necessary to maintain the level  
15 of services.  
16     4. a. The department shall aggressively pursue options for  
17 providing medical assistance or other assistance to individuals  
18 with special needs who become ineligible to continue receiving  
19 services under the early and periodic screening, diagnostic,  
20 and treatment program under the medical assistance program  
21 due to becoming 21 years of age who have been approved for  
22 additional assistance through the department's exception to  
23 policy provisions, but who have health care needs in excess  
24 of the funding available through the exception to policy  
25 provisions.  
26     b. Of the funds appropriated in this section, \$100,000  
27 shall be used for participation in one or more pilot projects  
28 operated by a private provider to allow the individual or  
29 individuals to receive service in the community in accordance  
30 with principles established in *Olmstead v. L.C.*, 527 U.S. 581  
31 (1999), for the purpose of providing medical assistance or  
32 other assistance to individuals with special needs who become  
33 ineligible to continue receiving services under the early and  
34 periodic screening, diagnostic, and treatment program under  
35 the medical assistance program due to becoming 21 years of

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1 age who have been approved for additional assistance through  
2 the department's exception to policy provisions, but who have  
3 health care needs in excess of the funding available through  
4 the exception to the policy provisions.

5 5. Of the funds appropriated in this section, up to  
6 \$3,050,082 may be transferred to the field operations or  
7 general administration appropriations in this division of this  
8 Act for operational costs associated with Part D of the federal  
9 Medicare Prescription Drug Improvement and Modernization Act  
10 of 2003, Pub. L. No. 108-173.

11 6. Of the funds appropriated in this section, up to \$442,100  
12 may be transferred to the appropriation in this division  
13 of this Act for medical contracts to be used for clinical  
14 assessment services and prior authorization of services.

15 7. A portion of the funds appropriated in this section  
16 may be transferred to the appropriations in this division of  
17 this Act for general administration, medical contracts, the  
18 children's health insurance program, or field operations to be  
19 used for the state match cost to comply with the payment error  
20 rate measurement (PERM) program for both the medical assistance  
21 and children's health insurance programs as developed by the  
22 centers for Medicare and Medicaid services of the United States  
23 department of health and human services to comply with the  
24 federal Improper Payments Information Act of 2002, Pub. L. No.  
25 107-300.

26 8. It is the intent of the general assembly that the  
27 department continue to implement the recommendations of  
28 the assuring better child health and development initiative  
29 II (ABCDII) clinical panel to the Iowa early and periodic  
30 screening, diagnostic, and treatment services healthy mental  
31 development collaborative board regarding changes to billing  
32 procedures, codes, and eligible service providers.

33 9. Of the funds appropriated in this section, a sufficient  
34 amount is allocated to supplement the incomes of residents of  
35 nursing facilities, intermediate care facilities for persons

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1 with mental illness, and intermediate care facilities for  
2 persons with an intellectual disability, with incomes of less  
3 than \$50 in the amount necessary for the residents to receive a  
4 personal needs allowance of \$50 per month pursuant to section  
5 249A.30A.

6 10. Of the funds appropriated in this section, the following  
7 amounts shall be transferred to the appropriations made in this  
8 division of this Act for the state mental health institutes:

9 a. Cherokee mental health institute.....	\$ 9,098,425
10 b. Clarinda mental health institute.....	\$ 1,977,305
11 c. Independence mental health institute.....	\$ 9,045,894
12 d. Mount Pleasant mental health institute.....	\$ 5,752,587

13 11. a. Of the funds appropriated in this section,  
14 \$7,969,074 is allocated for the state match for a  
15 disproportionate share hospital payment of \$19,133,430 to  
16 hospitals that meet both of the conditions specified in  
17 subparagraphs (1) and (2). In addition, the hospitals that  
18 meet the conditions specified shall either certify public  
19 expenditures or transfer to the medical assistance program  
20 an amount equal to provide the nonfederal share for a  
21 disproportionate share hospital payment of \$7,500,000. The  
22 hospitals that meet the conditions specified shall receive and  
23 retain 100 percent of the total disproportionate share hospital  
24 payment of \$26,633,430.

25 (1) The hospital qualifies for disproportionate share and  
26 graduate medical education payments.

27 (2) The hospital is an Iowa state-owned hospital with more  
28 than 500 beds and eight or more distinct residency specialty  
29 or subspecialty programs recognized by the American college of  
30 graduate medical education.

31 b. Distribution of the disproportionate share payments  
32 shall be made on a monthly basis. The total amount of  
33 disproportionate share payments including graduate medical  
34 education, enhanced disproportionate share, and Iowa  
35 state-owned teaching hospital payments shall not exceed the

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1 amount of the state's allotment under Pub. L. No. 102-234.  
2 In addition, the total amount of all disproportionate  
3 share payments shall not exceed the hospital-specific  
4 disproportionate share limits under Pub. L. No. 103-66.  
5 12. The university of Iowa hospitals and clinics shall  
6 either certify public expenditures or transfer to the  
7 appropriations made in this division of this Act for medical  
8 assistance an amount equal to provide the nonfederal share  
9 for increased medical assistance payments for inpatient and  
10 outpatient hospital services of \$9,900,000. The university of  
11 Iowa hospitals and clinics shall receive and retain 100 percent  
12 of the total increase in medical assistance payments.  
13 13. Of the funds appropriated in this section, up to  
14 \$11,921,225 may be transferred to the IowaCare account created  
15 in section 249J.24.  
16 14. Of the funds appropriated in this section, \$200,000  
17 shall be used for the Iowa chronic care consortium pursuant to  
18 2003 Iowa Acts, chapter 112, section 12, as amended by 2003  
19 Iowa Acts, chapter 179, sections 166 and 167.  
20 15. One hundred percent of the nonfederal share of payments  
21 to area education agencies that are medical assistance  
22 providers for medical assistance-covered services provided to  
23 medical assistance-covered children, shall be made from the  
24 appropriation made in this section.  
25 16. Any new or renewed contract entered into by the  
26 department with a third party to administer behavioral health  
27 services under the medical assistance program shall provide  
28 that any interest earned on payments from the state during  
29 the state fiscal year shall be remitted to the department  
30 and treated as recoveries to offset the costs of the medical  
31 assistance program.  
32 17. The department shall continue to implement the  
33 provisions in 2007 Iowa Acts, chapter 218, section 124 and  
34 section 126, as amended by 2008 Iowa Acts, chapter 1188,  
35 section 55, relating to eligibility for certain persons with



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1 disabilities under the medical assistance program in accordance  
2 with the federal Family Opportunity Act.

3 18. A portion of the funds appropriated in this section  
4 may be transferred to the appropriation in this division of  
5 this Act for medical contracts to be used for administrative  
6 activities associated with the money follows the person  
7 demonstration project.

8 19. Of the funds appropriated in this section, \$349,011  
9 shall be used for the administration of the health insurance  
10 premium payment program, including salaries, support,  
11 maintenance, and miscellaneous purposes.

12 20. a. The department shall implement the following cost  
13 containment strategies for the medical assistance program and  
14 shall adopt emergency rules for such implementation:

15 (1) Notwithstanding any provision of law to the contrary,  
16 the department shall integrate medical assistance program  
17 habilitation services into the Iowa plan contract for the  
18 fiscal year beginning July 1, 2013.

19 (2) The department shall require prior authorization for  
20 provision of any home health services for adults in excess of  
21 one hundred visits per year.

22 (3) The department shall prohibit coverage for elective,  
23 nonmedically necessary cesarean sections.

24 (4) The department shall require prior authorization based  
25 on specified criteria before providing reimbursement for  
26 hospital swing bed placements and continued stays.

27 (5) The department shall align payment methodologies and  
28 rates between medical and nonmedical transportation services  
29 through the transportation brokerage provider.

30 (6) The department shall require that all fees for employee  
31 records checks shall be paid by the medical assistance home and  
32 community-based waiver services consumer-directed attendant  
33 care or consumer choices option provider, with the exception  
34 of one initial state records check per employee which shall be  
35 paid by the Iowa Medicaid enterprise.

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1 (7) The department shall require transition of the  
2 provision by individual providers of personal care under the  
3 consumer-directed attendant care option to agency-provided  
4 personal care services and shall retain the consumer choice  
5 option for those individuals able and desiring to self-direct  
6 services.

7 (8) The department shall require that persons with an  
8 intellectual disability receiving services under the medical  
9 assistance program receive a functional assessment utilizing  
10 the supports intensity scale tool. The department shall  
11 contract with an independent entity to perform the functional  
12 assessments. The department shall implement a tiered resource  
13 allocation methodology for service plans under the medical  
14 assistance home and community-based services waiver for persons  
15 with an intellectual disability.

16 (9) The department shall develop a new reimbursement  
17 methodology for medical assistance targeted case management  
18 that applies appropriate cost limits.

19 (10) The department shall implement an integrated health  
20 home approach under the medical assistance program for persons  
21 with chronic mental illness. The approach shall integrate the  
22 functions of medical assistance targeted case management.

23 (11) The department shall expand the categories of diabetic  
24 supplies for which a rebate may be received.

25 (12) The department shall limit authorizations for  
26 institutional-based care to 30 days for members following  
27 discharge from a hospital if the member previously lived in a  
28 community-based setting.

29 b. The department shall not implement the cost containment  
30 strategy to require a primary care referral for the provision  
31 of chiropractic services.

32 c. The department may increase the amounts allocated for  
33 salaries, support, maintenance, and miscellaneous purposes  
34 associated with the medical assistance program, as necessary,  
35 to implement the cost containment strategies. The department

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1 shall report any such increase to the legislative services  
2 agency and the department of management.

3 d. If the savings to the medical assistance program exceed  
4 the cost for the fiscal year, the department may transfer any  
5 savings generated for the fiscal year due to medical assistance  
6 program cost containment efforts to the appropriation  
7 made in this division of this Act for medical contracts or  
8 general administration to defray the increased contract costs  
9 associated with implementing such efforts.

10 e. The department shall report the implementation of  
11 any cost containment strategies under this subsection to  
12 the individuals specified in this division of this Act for  
13 submission of reports on a quarterly basis.

14 21. Notwithstanding any provision of law to the contrary,  
15 the department of human services shall continue implementation  
16 of the amended section 1915(b) waiver and Iowa plan contract  
17 for inclusion of remedial services under the Iowa plan contract  
18 for the fiscal year beginning July 1, 2013.

19 22. Of the funds appropriated in this section, \$7,041,689  
20 shall be used to implement reductions in the waiting lists  
21 of all medical assistance home and community-based services  
22 waivers.

23 23. a. Of the funds appropriated in this section, \$900,000  
24 shall be used to implement the children's mental health  
25 home project proposed by the department of human services  
26 and reported to the general assembly's mental health and  
27 disability services study committee in December 2011. Of this  
28 amount, up to \$50,000 may be transferred by the department to  
29 the appropriation made in this division of this Act to the  
30 department for the same fiscal year for general administration  
31 to be used for associated administrative expenses and for not  
32 more than one full-time equivalent position, in addition to  
33 those authorized for the same fiscal year, to be assigned to  
34 implementing the project.

35 b. Of the funds appropriated in this section, up to \$400,000

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1 may be transferred by the department to the appropriation  
2 made to the department in this division of this Act for  
3 the same fiscal year for general administration to support  
4 the redesign of mental health and disability services and  
5 the state balancing incentive payments program planning and  
6 implementation activities. The funds may be used for contracts  
7 or for personnel in addition to the amounts appropriated for  
8 and the positions authorized for general administration for the  
9 same fiscal year.

10 c. Of the funds appropriated in this section, up to  
11 \$3,000,000 may be transferred by the department to the  
12 appropriations made to the department in this division of  
13 this Act for the same fiscal year for general administration  
14 or medical contracts to be used to support the development  
15 and implementation of standardized assessment tools for  
16 persons with mental illness, an intellectual disability, a  
17 developmental disability, or a brain injury.

18 d. For the fiscal year beginning July 1, 2013, and ending  
19 June 30, 2014, the replacement generation tax revenues required  
20 to be deposited in the property tax relief fund pursuant to  
21 section 437A.8, subsection 4, paragraph "d", and section  
22 437A.15, subsection 3, paragraph "f", shall instead be credited  
23 to and supplement the appropriation made in this section and  
24 used for the allocations made in this subsection.

25 24. Of the funds appropriated in this section, \$250,000  
26 shall be used for lodging expenses associated with patient  
27 care provided at the university of Iowa hospitals and clinics  
28 under chapter 249J. The department of human services shall  
29 establish the maximum number of overnight stays and the maximum  
30 rate reimbursed for overnight lodging, which may be based  
31 on the state employee rate established by the department  
32 of administrative services. The funds allocated in this  
33 subsection shall not be used as nonfederal share matching  
34 funds.

35 Sec. 12. MEDICAL CONTRACTS. There is appropriated from the

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1 general fund of the state to the department of human services  
2 for the fiscal year beginning July 1, 2013, and ending June 30,  
3 2014, the following amount, or so much thereof as is necessary,  
4 to be used for the purpose designated:

5 For medical contracts:

6 ..... \$ 13,691,569

7 1. The department of inspections and appeals shall  
8 provide all state matching funds for survey and certification  
9 activities performed by the department of inspections  
10 and appeals. The department of human services is solely  
11 responsible for distributing the federal matching funds for  
12 such activities.

13 2. Of the funds appropriated in this section, \$50,000 shall  
14 be used for continuation of home and community-based services  
15 waiver quality assurance programs, including the review and  
16 streamlining of processes and policies related to oversight and  
17 quality management to meet state and federal requirements.

18 3. Of the amount appropriated in this section, up to  
19 \$200,000 may be transferred to the appropriation for general  
20 administration in this division of this Act to be used for  
21 additional full-time equivalent positions in the development of  
22 key health initiatives such as cost containment, development  
23 and oversight of managed care programs, and development of  
24 health strategies targeted toward improved quality and reduced  
25 costs in the Medicaid program.

26 4. Of the funds appropriated in this section, \$64,398 shall  
27 be used for provision of the IowaCare program nurse helpline  
28 for the expansion population as provided in section 249J.6.

29 5. Of the funds appropriated in this section, \$80,000 shall  
30 be used for costs related to audits, performance evaluations,  
31 and studies required pursuant to chapter 249J.

32 6. Of the funds appropriated in this section, \$194,654 shall  
33 be used for administrative costs associated with chapter 249J.

34 7. Of the funds appropriated in this section, \$1,000,000  
35 shall be used for planning and development, in cooperation with

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1 the department of public health, of a phased-in program to  
2 provide a dental home for children in accordance with section  
3 249J.14.

4 8. Of the funds appropriated in this section, \$270,000 shall  
5 be used for payment to the publicly owned acute care teaching  
6 hospital located in a county with a population of over 350,000  
7 that is a participating provider pursuant to chapter 249J.  
8 Disbursements under this subsection shall be made monthly.  
9 The hospital shall submit a report following the close of  
10 the fiscal year regarding use of the funds allocated in this  
11 subsection to the persons specified in this Act to receive  
12 reports.

13 9. Of the funds appropriated in this section, \$100,000 shall  
14 be used for continuation of an accountable care organization  
15 pilot project.

16 10. Of the funds appropriated in this section, \$75,000 shall  
17 be used for continued implementation of a uniform cost report.

18 11. Of the funds appropriated in this section, \$3,300,000  
19 shall be used for the autism support program created in chapter  
20 225D, as enacted in this Act.

21 Sec. 13. STATE SUPPLEMENTARY ASSISTANCE.

22 1. There is appropriated from the general fund of the  
23 state to the department of human services for the fiscal year  
24 beginning July 1, 2013, and ending June 30, 2014, the following  
25 amount, or so much thereof as is necessary, to be used for the  
26 purpose designated:

27 For the state supplementary assistance program:

28 ..... \$ 16,512,174

29 2. The department shall increase the personal needs  
30 allowance for residents of residential care facilities by the  
31 same percentage and at the same time as federal supplemental  
32 security income and federal social security benefits are  
33 increased due to a recognized increase in the cost of living.  
34 The department may adopt emergency rules to implement this  
35 subsection.



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1     3. If during the fiscal year beginning July 1, 2013,  
2 the department projects that state supplementary assistance  
3 expenditures for a calendar year will not meet the federal  
4 pass-through requirement specified in Tit. XVI of the federal  
5 Social Security Act, section 1618, as codified in 42 U.S.C.  
6 § 1382g, the department may take actions including but not  
7 limited to increasing the personal needs allowance for  
8 residential care facility residents and making programmatic  
9 adjustments or upward adjustments of the residential care  
10 facility or in-home health-related care reimbursement rates  
11 prescribed in this division of this Act to ensure that federal  
12 requirements are met. In addition, the department may make  
13 other programmatic and rate adjustments necessary to remain  
14 within the amount appropriated in this section while ensuring  
15 compliance with federal requirements. The department may adopt  
16 emergency rules to implement the provisions of this subsection.

17     Sec. 14. CHILDREN'S HEALTH INSURANCE PROGRAM.

18     1. There is appropriated from the general fund of the  
19 state to the department of human services for the fiscal year  
20 beginning July 1, 2013, and ending June 30, 2014, the following  
21 amount, or so much thereof as is necessary, to be used for the  
22 purpose designated:

23     For maintenance of the healthy and well kids in Iowa (hawk-i)  
24 program pursuant to chapter 514I, including supplemental dental  
25 services, for receipt of federal financial participation under  
26 Tit. XXI of the federal Social Security Act, which creates the  
27 children's health insurance program:

28 ..... \$ 36,806,102

29     2. Of the funds appropriated in this section, \$141,450 is  
30 allocated for continuation of the contract for outreach with  
31 the department of public health.

32     Sec. 15. CHILD CARE ASSISTANCE. There is appropriated  
33 from the general fund of the state to the department of human  
34 services for the fiscal year beginning July 1, 2013, and ending  
35 June 30, 2014, the following amount, or so much thereof as is

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1 necessary, to be used for the purpose designated:

2 For child care programs:

3 ..... \$ 72,931,661

4 1. Of the funds appropriated in this section, \$71,427,056  
5 shall be used for state child care assistance in accordance  
6 with section 237A.13.

7 2. Nothing in this section shall be construed or is  
8 intended as or shall imply a grant of entitlement for services  
9 to persons who are eligible for assistance due to an income  
10 level consistent with the waiting list requirements of section  
11 237A.13. Any state obligation to provide services pursuant to  
12 this section is limited to the extent of the funds appropriated  
13 in this section.

14 3. Of the funds appropriated in this section, \$432,453 is  
15 allocated for the statewide program for child care resource  
16 and referral services under section 237A.26. A list of the  
17 registered and licensed child care facilities operating in the  
18 area served by a child care resource and referral service shall  
19 be made available to the families receiving state child care  
20 assistance in that area.

21 4. Of the funds appropriated in this section, \$936,974  
22 is allocated for child care quality improvement initiatives  
23 including but not limited to the voluntary quality rating  
24 system in accordance with section 237A.30.

25 5. Of the funds appropriated in this section, \$135,178  
26 shall be used for the cost of a child care provider conducting  
27 a federally-required national criminal history check of a  
28 person's fingerprints through the United States department of  
29 justice, federal bureau of investigation.

30 6. The department shall change the standard period for  
31 redetermining the eligibility of a state child care assistance  
32 program participant to 12 months and increase the income  
33 eligibility for employed families under the program to 148  
34 percent of the federal poverty level, in accordance with the  
35 amendments in this Act to section 237A.13.

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1     7. The department may use any of the funds appropriated  
2 in this section as a match to obtain federal funds for use in  
3 expanding child care assistance and related programs. For  
4 the purpose of expenditures of state and federal child care  
5 funding, funds shall be considered obligated at the time  
6 expenditures are projected or are allocated to the department's  
7 service areas. Projections shall be based on current and  
8 projected caseload growth, current and projected provider  
9 rates, staffing requirements for eligibility determination  
10 and management of program requirements including data systems  
11 management, staffing requirements for administration of the  
12 program, contractual and grant obligations and any transfers  
13 to other state agencies, and obligations for decategorization  
14 or innovation projects.

15     8. A portion of the state match for the federal child care  
16 and development block grant shall be provided as necessary to  
17 meet federal matching funds requirements through the state  
18 general fund appropriation made for child development grants  
19 and other programs for at-risk children in section 279.51.

20     9. If a uniform reduction ordered by the governor under  
21 section 8.31 or other operation of law, transfer, or federal  
22 funding reduction reduces the appropriation made in this  
23 section for the fiscal year, the percentage reduction in the  
24 amount paid out to or on behalf of the families participating  
25 in the state child care assistance program shall be equal to or  
26 less than the percentage reduction made for any other purpose  
27 payable from the appropriation made in this section and the  
28 federal funding relating to it. The percentage reduction to  
29 the other allocations made in this section shall be the same as  
30 the uniform reduction ordered by the governor or the percentage  
31 change of the federal funding reduction, as applicable.  
32 If there is an unanticipated increase in federal funding  
33 provided for state child care assistance, the entire amount  
34 of the increase shall be used for state child care assistance  
35 payments. If the appropriations made for purposes of the

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1 state child care assistance program for the fiscal year are  
2 determined to be insufficient, it is the intent of the general  
3 assembly to appropriate sufficient funding for the fiscal year  
4 in order to avoid establishment of waiting list requirements.

5 10. Notwithstanding section 8.33, moneys advanced for  
6 purposes of the programs developed by early childhood Iowa  
7 areas, advanced for purposes of wraparound child care, or  
8 received from the federal appropriations made for the purposes  
9 of this section that remain unencumbered or unobligated at the  
10 close of the fiscal year shall not revert to any fund but shall  
11 remain available for expenditure for the purposes designated  
12 until the close of the succeeding fiscal year.

13 Sec. 16. JUVENILE INSTITUTIONS. There is appropriated  
14 from the general fund of the state to the department of human  
15 services for the fiscal year beginning July 1, 2013, and ending  
16 June 30, 2014, the following amounts, or so much thereof as is  
17 necessary, to be used for the purposes designated:

18 1. For operation of the Iowa juvenile home at Toledo and for  
19 salaries, support, maintenance, and miscellaneous purposes, and  
20 for not more than the following full-time equivalent positions:

21 ..... \$ 8,859,355  
22 ..... FTEs 114.00

23 2. For operation of the state training school at Eldora and  
24 for salaries, support, maintenance, and miscellaneous purposes,  
25 and for not more than the following full-time equivalent  
26 positions:

27 ..... \$ 11,256,969  
28 ..... FTEs 164.30

29 Of the funds appropriated in this subsection, \$91,150 shall  
30 be used for distribution to licensed classroom teachers at this  
31 and other institutions under the control of the department of  
32 human services based upon the average student yearly enrollment  
33 at each institution as determined by the department.

34 3. A portion of the moneys appropriated in this section  
35 shall be used by the state training school and by the Iowa

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1 juvenile home for grants for adolescent pregnancy prevention  
2 activities at the institutions in the fiscal year beginning  
3 July 1, 2013.

4 Sec. 17. CHILD AND FAMILY SERVICES.

5 1. There is appropriated from the general fund of the  
6 state to the department of human services for the fiscal year  
7 beginning July 1, 2013, and ending June 30, 2014, the following  
8 amount, or so much thereof as is necessary, to be used for the  
9 purpose designated:

10 For child and family services:

11 ..... \$ 93,188,770

12 2. In order to address a reduction of \$5,200,000 from the  
13 amount allocated under the appropriation made for the purposes  
14 of this section in prior years for purposes of juvenile  
15 delinquent graduated sanction services, up to \$5,200,000 of the  
16 amount of federal temporary assistance for needy families block  
17 grant funding appropriated in this division of this Act for  
18 child and family services shall be made available for purposes  
19 of juvenile delinquent graduated sanction services.

20 3. The department may transfer funds appropriated in this  
21 section as necessary to pay the nonfederal costs of services  
22 reimbursed under the medical assistance program, state child  
23 care assistance program, or the family investment program which  
24 are provided to children who would otherwise receive services  
25 paid under the appropriation in this section. The department  
26 may transfer funds appropriated in this section to the  
27 appropriations made in this division of this Act for general  
28 administration and for field operations for resources necessary  
29 to implement and operate the services funded in this section.

30 4. a. Of the funds appropriated in this section, up to  
31 \$30,837,098 is allocated as the statewide expenditure target  
32 under section 232.143 for group foster care maintenance and  
33 services. If the department projects that such expenditures  
34 for the fiscal year will be less than the target amount  
35 allocated in this lettered paragraph, the department may

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1 reallocate the excess to provide additional funding for shelter  
2 care or the child welfare emergency services addressed with the  
3 allocation for shelter care.

4     b. If at any time after September 30, 2013, annualization  
5 of a service area's current expenditures indicates a service  
6 area is at risk of exceeding its group foster care expenditure  
7 target under section 232.143 by more than 5 percent, the  
8 department and juvenile court services shall examine all  
9 group foster care placements in that service area in order to  
10 identify those which might be appropriate for termination.  
11 In addition, any aftercare services believed to be needed  
12 for the children whose placements may be terminated shall be  
13 identified. The department and juvenile court services shall  
14 initiate action to set dispositional review hearings for the  
15 placements identified. In such a dispositional review hearing,  
16 the juvenile court shall determine whether needed aftercare  
17 services are available and whether termination of the placement  
18 is in the best interest of the child and the community.

19     5. In accordance with the provisions of section 232.188,  
20 the department shall continue the child welfare and juvenile  
21 justice funding initiative during fiscal year 2013-2014. Of  
22 the funds appropriated in this section, \$1,717,753 is allocated  
23 specifically for expenditure for fiscal year 2013-2014 through  
24 the decategorization service funding pools and governance  
25 boards established pursuant to section 232.188.

26     6. A portion of the funds appropriated in this section  
27 may be used for emergency family assistance to provide other  
28 resources required for a family participating in a family  
29 preservation or reunification project or successor project to  
30 stay together or to be reunified.

31     7. Notwithstanding section 234.35 or any other provision  
32 of law to the contrary, state funding for shelter care and  
33 the child welfare emergency services contracting implemented  
34 to provide for or prevent the need for shelter care shall be  
35 limited to \$6,870,116.

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1 8. Federal funds received by the state during the fiscal  
2 year beginning July 1, 2013, as the result of the expenditure  
3 of state funds appropriated during a previous state fiscal  
4 year for a service or activity funded under this section are  
5 appropriated to the department to be used as additional funding  
6 for services and purposes provided for under this section.  
7 Notwithstanding section 8.33, moneys received in accordance  
8 with this subsection that remain unencumbered or unobligated at  
9 the close of the fiscal year shall not revert to any fund but  
10 shall remain available for the purposes designated until the  
11 close of the succeeding fiscal year.

12 9. a. Of the funds appropriated in this section, up to  
13 \$3,290,000 is allocated for the payment of the expenses of  
14 court-ordered services provided to juveniles who are under the  
15 supervision of juvenile court services, which expenses are a  
16 charge upon the state pursuant to section 232.141, subsection  
17 4. Of the amount allocated in this lettered paragraph, up to  
18 \$1,556,287 shall be made available to provide school-based  
19 supervision of children adjudicated under chapter 232, of which  
20 not more than \$15,000 may be used for the purpose of training.  
21 A portion of the cost of each school-based liaison officer  
22 shall be paid by the school district or other funding source as  
23 approved by the chief juvenile court officer.

24 b. Of the funds appropriated in this section, up to \$748,985  
25 is allocated for the payment of the expenses of court-ordered  
26 services provided to children who are under the supervision  
27 of the department, which expenses are a charge upon the state  
28 pursuant to section 232.141, subsection 4.

29 c. Notwithstanding section 232.141 or any other provision  
30 of law to the contrary, the amounts allocated in this  
31 subsection shall be distributed to the judicial districts  
32 as determined by the state court administrator and to the  
33 department's service areas as determined by the administrator  
34 of the department's division of child and family services. The  
35 state court administrator and the division administrator shall

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1 make the determination of the distribution amounts on or before  
2 June 15, 2013.

3 d. Notwithstanding chapter 232 or any other provision of  
4 law to the contrary, a district or juvenile court shall not  
5 order any service which is a charge upon the state pursuant  
6 to section 232.141 if there are insufficient court-ordered  
7 services funds available in the district court or departmental  
8 service area distribution amounts to pay for the service. The  
9 chief juvenile court officer and the departmental service area  
10 manager shall encourage use of the funds allocated in this  
11 subsection such that there are sufficient funds to pay for  
12 all court-related services during the entire year. The chief  
13 juvenile court officers and departmental service area managers  
14 shall attempt to anticipate potential surpluses and shortfalls  
15 in the distribution amounts and shall cooperatively request the  
16 state court administrator or division administrator to transfer  
17 funds between the judicial districts' or departmental service  
18 areas' distribution amounts as prudent.

19 e. Notwithstanding any provision of law to the contrary,  
20 a district or juvenile court shall not order a county to pay  
21 for any service provided to a juvenile pursuant to an order  
22 entered under chapter 232 which is a charge upon the state  
23 under section 232.141, subsection 4.

24 f. Of the funds allocated in this subsection, not more than  
25 \$83,000 may be used by the judicial branch for administration  
26 of the requirements under this subsection.

27 g. Of the funds allocated in this subsection, \$17,000  
28 shall be used by the department of human services to support  
29 the interstate commission for juveniles in accordance with  
30 the interstate compact for juveniles as provided in section  
31 232.173.

32 10. Of the funds appropriated in this section, \$9,053,226 is  
33 allocated for juvenile delinquent graduated sanctions services.  
34 Any state funds saved as a result of efforts by juvenile court  
35 services to earn federal Tit. IV-E match for juvenile court



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1 services administration may be used for the juvenile delinquent  
2 graduated sanctions services.

3 11. Of the funds appropriated in this section, \$1,933,285  
4 shall be transferred to the department of public health to be  
5 used for equalization and renewal of the grants under the child  
6 protection center grant program in accordance with section  
7 135.118.

8 12. If the department receives federal approval to  
9 implement a waiver under Tit. IV-E of the federal Social  
10 Security Act to enable providers to serve children who remain  
11 in the children's families and communities, for purposes of  
12 eligibility under the medical assistance program, children who  
13 participate in the waiver shall be considered to be placed in  
14 foster care.

15 13. Of the funds appropriated in this section, \$3,092,375 is  
16 allocated for the preparation for adult living program pursuant  
17 to section 234.46.

18 14. Of the funds appropriated in this section, \$1,000,000  
19 shall be used for juvenile drug courts. The amount allocated  
20 in this subsection shall be distributed as follows:

21 To the judicial branch for salaries to assist with the  
22 operation of juvenile drug court programs operated in the  
23 following jurisdictions:

24 a. Marshall county:

25 ..... \$ 99,540

26 b. Woodbury county:

27 ..... \$ 258,804

28 c. Polk county:

29 ..... \$ 430,843

30 d. The third judicial district:

31 ..... \$ 111,274

32 e. The eighth judicial district:

33 ..... \$ 99,539

34 15. Of the funds appropriated in this section, \$227,337  
35 shall be used for the public purpose of continuing a grant to

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1 a nonprofit human services organization providing services to  
2 individuals and families in multiple locations in southwest  
3 Iowa and Nebraska for support of a project providing immediate,  
4 sensitive support and forensic interviews, medical exams, needs  
5 assessments, and referrals for victims of child abuse and their  
6 nonoffending family members.

7 16. Of the funds appropriated in this section, \$200,590  
8 is allocated for the foster care youth council approach of  
9 providing a support network to children placed in foster care.

10 17. Of the funds appropriated in this section, \$202,000 is  
11 allocated for use pursuant to section 235A.1 for continuation  
12 of the initiative to address child sexual abuse implemented  
13 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection  
14 21.

15 18. Of the funds appropriated in this section, \$630,240 is  
16 allocated for the community partnership for child protection  
17 sites.

18 19. Of the funds appropriated in this section, \$371,250  
19 is allocated for the department's minority youth and family  
20 projects under the redesign of the child welfare system.

21 20. Of the funds appropriated in this section, \$1,436,595  
22 is allocated for funding of the community circle of care  
23 collaboration for children and youth in northeast Iowa.

24 21. Of the funds appropriated in this section, at least  
25 \$147,158 shall be used for the child welfare training academy.

26 22. Of the funds appropriated in this section, \$25,000  
27 shall be used for the public purpose of continuation of a  
28 grant to a child welfare services provider headquartered in a  
29 county with a population between 205,000 and 215,000 in the  
30 latest certified federal census that provides multiple services  
31 including but not limited to a psychiatric medical institution  
32 for children, shelter, residential treatment, after school  
33 programs, school-based programming, and an Asperger's syndrome  
34 program, to be used for support services for children with  
35 autism spectrum disorder and their families.

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1     23. Of the funds appropriated in this section, \$25,000  
2 shall be used for the public purpose of continuing a grant to  
3 a hospital-based provider headquartered in a county with a  
4 population between 90,000 and 95,000 in the latest certified  
5 federal census that provides multiple services including  
6 but not limited to diagnostic, therapeutic, and behavioral  
7 services to individuals with autism spectrum disorder across  
8 the lifespan. The grant recipient shall utilize the funds  
9 to continue the pilot project to determine the necessary  
10 support services for children with autism spectrum disorder and  
11 their families to be included in the children's disabilities  
12 services system. The grant recipient shall submit findings and  
13 recommendations based upon the results of the pilot project  
14 to the individuals specified in this division of this Act for  
15 submission of reports by December 31, 2013.

16     24. Of the funds appropriated in this section, \$327,947  
17 shall be used for continuation of the central Iowa system of  
18 care program grant through June 30, 2014.

19     25. Of the funds appropriated in this section, \$160,000  
20 shall be used for the public purpose of the continuation of  
21 a system of care grant implemented in Cerro Gordo and Linn  
22 counties.

23     26. Of the funds appropriated in this section, at least  
24 \$25,000 shall be used to continue and to expand the foster  
25 care respite pilot program in which postsecondary students in  
26 social work and other human services-related programs receive  
27 experience by assisting family foster care providers with  
28 respite and other support.

29     27. Of the funds appropriated in this section, up to  
30 \$100,000 shall be used to implement a children's cabinet under  
31 the department of human services, if enacted by 2013 Iowa Acts,  
32 Senate File 415 or successor legislation.

33     Sec. 18. ADOPTION SUBSIDY.

34     1. There is appropriated from the general fund of the  
35 state to the department of human services for the fiscal year

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1 beginning July 1, 2013, and ending June 30, 2014, the following  
2 amount, or so much thereof as is necessary, to be used for the  
3 purpose designated:

4 For adoption subsidy payments and services:

5 ..... \$ 40,729,282

6 2. The department may transfer funds appropriated in  
7 this section to the appropriation made in this division of  
8 this Act for general administration for costs paid from the  
9 appropriation relating to adoption subsidy.

10 3. Federal funds received by the state during the  
11 fiscal year beginning July 1, 2013, as the result of the  
12 expenditure of state funds during a previous state fiscal  
13 year for a service or activity funded under this section are  
14 appropriated to the department to be used as additional funding  
15 for the services and activities funded under this section.  
16 Notwithstanding section 8.33, moneys received in accordance  
17 with this subsection that remain unencumbered or unobligated  
18 at the close of the fiscal year shall not revert to any fund  
19 but shall remain available for expenditure for the purposes  
20 designated until the close of the succeeding fiscal year.

21 Sec. 19. JUVENILE DETENTION HOME FUND. Moneys deposited  
22 in the juvenile detention home fund created in section 232.142  
23 during the fiscal year beginning July 1, 2013, and ending June  
24 30, 2014, are appropriated to the department of human services  
25 for the fiscal year beginning July 1, 2013, and ending June 30,  
26 2014, for distribution of an amount equal to a percentage of  
27 the costs of the establishment, improvement, operation, and  
28 maintenance of county or multicounty juvenile detention homes  
29 in the fiscal year beginning July 1, 2012. Moneys appropriated  
30 for distribution in accordance with this section shall be  
31 allocated among eligible detention homes, prorated on the basis  
32 of an eligible detention home's proportion of the costs of all  
33 eligible detention homes in the fiscal year beginning July  
34 1, 2012. The percentage figure shall be determined by the  
35 department based on the amount available for distribution for



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1 the fund. Notwithstanding section 232.142, subsection 3, the  
2 financial aid payable by the state under that provision for the  
3 fiscal year beginning July 1, 2013, shall be limited to the  
4 amount appropriated for the purposes of this section.

5 Sec. 20. FAMILY SUPPORT SUBSIDY PROGRAM.

6 1. There is appropriated from the general fund of the  
7 state to the department of human services for the fiscal year  
8 beginning July 1, 2013, and ending June 30, 2014, the following  
9 amount, or so much thereof as is necessary, to be used for the  
10 purpose designated:

11 For the family support subsidy program subject to the  
12 enrollment restrictions in section 225C.37, subsection 3:  
13 ..... \$ 1,092,955

14 2. The department shall use at least \$483,500 of the moneys  
15 appropriated in this section for the family support center  
16 component of the comprehensive family support program under  
17 section 225C.47. Not more than \$25,000 of the amount allocated  
18 in this subsection shall be used for administrative costs.

19 3. If at any time during the fiscal year, the amount of  
20 funding available for the family support subsidy program  
21 is reduced from the amount initially used to establish the  
22 figure for the number of family members for whom a subsidy  
23 is to be provided at any one time during the fiscal year,  
24 notwithstanding section 225C.38, subsection 2, the department  
25 shall revise the figure as necessary to conform to the amount  
26 of funding available.

27 Sec. 21. CONNER DECREE. There is appropriated from the  
28 general fund of the state to the department of human services  
29 for the fiscal year beginning July 1, 2013, and ending June 30,  
30 2014, the following amount, or so much thereof as is necessary,  
31 to be used for the purpose designated:

32 For building community capacity through the coordination  
33 and provision of training opportunities in accordance with the  
34 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.  
35 Iowa, July 14, 1994):



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1 ..... \$ 33,622  
2 Sec. 22. MENTAL HEALTH INSTITUTES. There is appropriated  
3 from the general fund of the state to the department of human  
4 services for the fiscal year beginning July 1, 2013, and ending  
5 June 30, 2014, the following amounts, or so much thereof as is  
6 necessary, to be used for the purposes designated:  
7 1. For the state mental health institute at Cherokee for  
8 salaries, support, maintenance, and miscellaneous purposes, and  
9 for not more than the following full-time equivalent positions:  
10 ..... \$ 5,954,464  
11 ..... FTEs 169.20  
12 2. For the state mental health institute at Clarinda for  
13 salaries, support, maintenance, and miscellaneous purposes, and  
14 for not more than the following full-time equivalent positions:  
15 ..... \$ 6,751,868  
16 ..... FTEs 86.10  
17 3. For the state mental health institute at Independence for  
18 salaries, support, maintenance, and miscellaneous purposes, and  
19 for not more than the following full-time equivalent positions:  
20 ..... \$ 10,318,778  
21 ..... FTEs 233.00  
22 4. For the state mental health institute at Mount Pleasant  
23 for salaries, support, maintenance, and miscellaneous purposes,  
24 and for not more than the following full-time equivalent  
25 positions:  
26 ..... \$ 1,366,686  
27 ..... FTEs 97.32  
28 Sec. 23. STATE RESOURCE CENTERS.  
29 1. There is appropriated from the general fund of the  
30 state to the department of human services for the fiscal year  
31 beginning July 1, 2013, and ending June 30, 2014, the following  
32 amounts, or so much thereof as is necessary, to be used for the  
33 purposes designated:  
34 a. For the state resource center at Glenwood for salaries,  
35 support, maintenance, and miscellaneous purposes:

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1 ..... \$ 20,502,425  
2     b. For the state resource center at Woodward for salaries,  
3 support, maintenance, and miscellaneous purposes:  
4 ..... \$ 14,631,359  
5     2. The department may continue to bill for state resource  
6 center services utilizing a scope of services approach used for  
7 private providers of ICFID services, in a manner which does not  
8 shift costs between the medical assistance program, counties,  
9 or other sources of funding for the state resource centers.  
10    3. The state resource centers may expand the time-limited  
11 assessment and respite services during the fiscal year.  
12    4. If the department's administration and the department  
13 of management concur with a finding by a state resource  
14 center's superintendent that projected revenues can reasonably  
15 be expected to pay the salary and support costs for a new  
16 employee position, or that such costs for adding a particular  
17 number of new positions for the fiscal year would be less  
18 than the overtime costs if new positions would not be added,  
19 the superintendent may add the new position or positions. If  
20 the vacant positions available to a resource center do not  
21 include the position classification desired to be filled, the  
22 state resource center's superintendent may reclassify any  
23 vacant position as necessary to fill the desired position. The  
24 superintendents of the state resource centers may, by mutual  
25 agreement, pool vacant positions and position classifications  
26 during the course of the fiscal year in order to assist one  
27 another in filling necessary positions.  
28    5. If existing capacity limitations are reached in  
29 operating units, a waiting list is in effect for a service or  
30 a special need for which a payment source or other funding  
31 is available for the service or to address the special need,  
32 and facilities for the service or to address the special need  
33 can be provided within the available payment source or other  
34 funding, the superintendent of a state resource center may  
35 authorize opening not more than two units or other facilities



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1 and begin implementing the service or addressing the special  
2 need during fiscal year 2013-2014.

3     Sec. 24. SEXUALLY VIOLENT PREDATORS.

4     1. There is appropriated from the general fund of the  
5 state to the department of human services for the fiscal year  
6 beginning July 1, 2013, and ending June 30, 2014, the following  
7 amount, or so much thereof as is necessary, to be used for the  
8 purpose designated:

9     For costs associated with the commitment and treatment of  
10 sexually violent predators in the unit located at the state  
11 mental health institute at Cherokee, including costs of legal  
12 services and other associated costs, including salaries,  
13 support, maintenance, and miscellaneous purposes, and for not  
14 more than the following full-time equivalent positions:  
15 ..... \$ 11,142,979  
16 ..... FTEs 115.50

17     2. Unless specifically prohibited by law, if the amount  
18 charged provides for recoupment of at least the entire amount  
19 of direct and indirect costs, the department of human services  
20 may contract with other states to provide care and treatment  
21 of persons placed by the other states at the unit for sexually  
22 violent predators at Cherokee. The moneys received under  
23 such a contract shall be considered to be repayment receipts  
24 and used for the purposes of the appropriation made in this  
25 section.

26     Sec. 25. FIELD OPERATIONS. There is appropriated from the  
27 general fund of the state to the department of human services  
28 for the fiscal year beginning July 1, 2013, and ending June 30,  
29 2014, the following amount, or so much thereof as is necessary,  
30 to be used for the purposes designated:

31     For field operations, including salaries, support,  
32 maintenance, and miscellaneous purposes, and for not more than  
33 the following full-time equivalent positions:  
34 ..... \$ 67,008,683  
35 ..... FTEs 1,837.00

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1     1. As a condition of this appropriation, the department  
2 shall make every possible effort to fill the entire number of  
3 positions authorized by this section and, unless specifically  
4 provided otherwise by an applicable collective bargaining  
5 agreement, the department is not subject to any approval  
6 requirement external to the department to fill a field  
7 operations vacancy within the number of full-time equivalent  
8 positions authorized by this section. The department shall  
9 report on the first of each month to the chairpersons and  
10 ranking members of the appropriations committees of the senate  
11 and house of representatives, and the persons designated by  
12 this Act for submission of reports concerning the status of  
13 filling the positions.

14     2. Priority in filling full-time equivalent positions  
15 shall be given to those positions related to child protection  
16 services and eligibility determination for low-income families.

17     Sec. 26. GENERAL ADMINISTRATION. There is appropriated  
18 from the general fund of the state to the department of human  
19 services for the fiscal year beginning July 1, 2013, and ending  
20 June 30, 2014, the following amount, or so much thereof as is  
21 necessary, to be used for the purpose designated:

22     For general administration, including salaries, support,  
23 maintenance, and miscellaneous purposes, and for not more than  
24 the following full-time equivalent positions:

25 .....	\$ 16,231,171
26 .....	FTEs       309.00

27     1. Of the funds appropriated in this section, \$63,543  
28 allocated for the prevention of disabilities policy council  
29 established in section 225B.3. Of the amount allocated  
30 in this subsection, \$25,000 shall be passed through to the  
31 council for the costs involved with holding a summit meeting  
32 of the multiple entities providing services to persons with  
33 disabilities. The focus of the summit meeting shall be to  
34 review existing disability prevention activities in order to  
35 identify cost effective public policy options for reaching

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1 the greatest number of children and adults in order to  
2 eliminate the risk of disabilities. The review shall also  
3 address options for health care services available to youth  
4 transitioning to the adult system of health care.

5 2. The department shall report at least monthly to the  
6 legislative services agency concerning the department's  
7 operational and program expenditures.

8 3. Of the funds appropriated in this section, \$132,300 shall  
9 be used to continue the contract for the provision of a program  
10 to provide technical assistance, support, and consultation to  
11 providers of habilitation services and home and community-based  
12 services waiver services for adults with disabilities under the  
13 medical assistance program.

14 4. Of the funds appropriated in this section, \$176,400 shall  
15 be used to continue the contract to expand the provision of  
16 nationally accredited and recognized internet-based training to  
17 include mental health and disability services providers.

18 5. Of the funds appropriated in this section, \$50,000  
19 shall be transferred to the Iowa finance authority to be used  
20 for administrative support of the council on homelessness  
21 established in section 16.100A and for the council to fulfill  
22 its duties in addressing and reducing homelessness in the  
23 state.

24 Sec. 27. VOLUNTEERS. There is appropriated from the general  
25 fund of the state to the department of human services for the  
26 fiscal year beginning July 1, 2013, and ending June 30, 2014,  
27 the following amount, or so much thereof as is necessary, to be  
28 used for the purpose designated:

29 For development and coordination of volunteer services:  
30 ..... \$ 84,660

31 Sec. 28. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY  
32 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE  
33 DEPARTMENT OF HUMAN SERVICES.

34 1. a. (1) For the fiscal year beginning July 1, 2013,  
35 the total state funding amount for the nursing facility budget



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1 shall not exceed \$267,712,511.

2 (2) For the fiscal year beginning July 1, 2013, the  
3 department shall rebase case-mix nursing facility rates  
4 effective July 1, 2013. However, total nursing facility budget  
5 expenditures, including both case-mix and noncase-mix shall  
6 not exceed the amount specified in subparagraph (1). When  
7 calculating case-mix per diem cost and the patient-day-weighted  
8 medians used in rate-setting for nursing facilities effective  
9 July 1, 2013, the inflation factor applied from the midpoint  
10 of the cost report period to the first day of the state fiscal  
11 year rate period shall be adjusted to maintain state funding  
12 within the amount specified in subparagraph (1).

13 (3) The department, in cooperation with nursing facility  
14 representatives, shall review projections for state funding  
15 expenditures for reimbursement of nursing facilities on a  
16 quarterly basis and the department shall determine if an  
17 adjustment to the medical assistance reimbursement rate is  
18 necessary in order to provide reimbursement within the state  
19 funding amount for the fiscal year. Notwithstanding 2001  
20 Iowa Acts, chapter 192, section 4, subsection 2, paragraph  
21 "c", and subsection 3, paragraph "a", subparagraph (2),  
22 if the state funding expenditures for the nursing facility  
23 budget for the fiscal year is projected to exceed the amount  
24 specified in subparagraph (1), the department shall adjust  
25 the reimbursement for nursing facilities reimbursed under the  
26 case-mix reimbursement system to maintain expenditures of the  
27 nursing facility budget within the specified amount for the  
28 fiscal year.

29 (4) For the fiscal year beginning July 1, 2013, special  
30 population nursing facilities shall be reimbursed in accordance  
31 with the methodology in effect on June 30, 2013.

32 b. (1) For the fiscal year beginning July 1, 2013,  
33 the department shall establish the pharmacy dispensing fee  
34 reimbursement at \$10.02 per prescription. Any subsequent  
35 actual dispensing fee shall be established within the range

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1 determined by a cost of dispensing survey performed by  
2 the department and required to be completed by all medical  
3 assistance program participating pharmacies every two years  
4 beginning in FY 2014-2015.

5 (2) The department shall continue to implement an average  
6 acquisition cost reimbursement methodology for pharmacy  
7 ingredient cost reimbursement of all drugs covered under the  
8 medical assistance program in accordance with 2012 Iowa Acts,  
9 chapter 1133, section 33.

10 c. (1) For the fiscal year beginning July 1, 2013,  
11 reimbursement rates for outpatient hospital services shall be  
12 increased 1.5 percent over the rates in effect on June 30,  
13 2013.

14 (2) For the fiscal year beginning July 1, 2013,  
15 reimbursement rates for inpatient hospital services shall by  
16 increased by 1.5 percent over the rates in effect on June 30,  
17 2013.

18 (3) For the fiscal year beginning July 1, 2013, the graduate  
19 medical education and disproportionate share hospital fund  
20 shall remain at the amount in effect on June 30, 2013, except  
21 that the portion of the fund attributable to graduate medical  
22 education shall be reduced in an amount that reflects the  
23 elimination of graduate medical education payments made to  
24 out-of-state hospitals.

25 (4) In order to ensure the efficient use of limited state  
26 funds in procuring health care services for low-income Iowans,  
27 funds appropriated in this Act for hospital services shall  
28 not be used for activities which would be excluded from a  
29 determination of reasonable costs under the federal Medicare  
30 program pursuant to 42 U.S.C. § 1395X(v)(1)(N).

31 d. For the fiscal year beginning July 1, 2013, reimbursement  
32 rates for rural health clinics, hospices, and acute mental  
33 hospitals shall be increased in accordance with increases under  
34 the federal Medicare program or as supported by their Medicare  
35 audited costs.



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1 e. For the fiscal year beginning July 1, 2013, independent  
2 laboratories and rehabilitation agencies shall be reimbursed  
3 using the same methodology in effect on June 30, 2013.

4 f. For the fiscal year beginning July 1, 2013, rates for  
5 home health services shall be reimbursed based on the Medicare  
6 low utilization payment amount (LUPA) methodology with state  
7 geographic wage adjustments. The Medicare LUPA per-visit  
8 rates in effect on July 1, 2013, shall be utilized as the  
9 basis for establishing the initial reimbursement schedule.  
10 The department shall update the rates every two years to  
11 reflect the most recent Medicare LUPA rates. For the fiscal  
12 year beginning July 1, 2013, the department shall adjust the  
13 reimbursement rate as calculated under this paragraph to  
14 distribute an additional \$2,765,655 over the rates in effect on  
15 June 30, 2013, in state reimbursement for home health services  
16 with the exception of early and periodic screening, diagnostic  
17 and treatment program private duty nursing and personal care  
18 services.

19 g. For the fiscal year beginning July 1, 2013, federally  
20 qualified health centers shall receive cost-based reimbursement  
21 for 100 percent of the reasonable costs for the provision of  
22 services to recipients of medical assistance.

23 h. For the fiscal year beginning July 1, 2013, the  
24 reimbursement rates for dental services shall be increased by  
25 1.5 percent over the rates in effect on June 30, 2013.

26 i. (1) For the fiscal year beginning July 1, 2013,  
27 state-owned psychiatric medical institutions for children shall  
28 receive cost-based reimbursement for 100 percent of the actual  
29 and allowable costs for the provision of services to recipients  
30 of medical assistance.

31 (2) For the nonstate-owned psychiatric medical institutions  
32 for children, reimbursement rates shall be based on the  
33 reimbursement methodology developed by the department as  
34 required for federal compliance.

35 (3) As a condition of participation in the medical

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1 assistance program, enrolled providers shall accept the medical  
2 assistance reimbursement rate for any covered goods or services  
3 provided to recipients of medical assistance who are children  
4 under the custody of a psychiatric medical institution for  
5 children.

6 j. For the fiscal year beginning July 1, 2013, unless  
7 otherwise specified in this Act, all noninstitutional medical  
8 assistance provider reimbursement rates shall be increased by  
9 1.5 percent over the rates in effect on June 30, 2013, except  
10 for area education agencies, local education agencies, infant  
11 and toddler services providers, and those providers whose rates  
12 are required to be determined pursuant to section 249A.20.

13 k. Notwithstanding any provision to the contrary, for the  
14 fiscal year beginning July 1, 2013, the reimbursement rate for  
15 anesthesiologists shall be increased by 1.5 percent over the  
16 rate in effect on June 30, 2013.

17 l. Notwithstanding section 249A.20, for the fiscal year  
18 beginning July 1, 2013, the average reimbursement rate for  
19 health care providers eligible for use of the federal Medicare  
20 resource-based relative value scale reimbursement methodology  
21 under that section shall be increased by 1.5 percent over the  
22 rate in effect on June 30, 2013; however, this rate shall not  
23 exceed the maximum level authorized by the federal government.

24 m. For the fiscal year beginning July 1, 2013, the  
25 reimbursement rate for residential care facilities shall not  
26 be less than the minimum payment level as established by the  
27 federal government to meet the federally mandated maintenance  
28 of effort requirement. The flat reimbursement rate for  
29 facilities electing not to file annual cost reports shall not  
30 be less than the minimum payment level as established by the  
31 federal government to meet the federally mandated maintenance  
32 of effort requirement.

33 n. For the fiscal year beginning July 1, 2013, inpatient  
34 mental health services provided at hospitals shall be increased  
35 by 1.5 percent over the rates in effect on June 30, 2013,





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1 subject to Medicaid program upper payment limit rules;  
2 community mental health centers and providers of mental health  
3 services to county residents pursuant to a waiver approved  
4 under section 225C.7, subsection 3, shall be reimbursed at 100  
5 percent of the reasonable costs for the provision of services  
6 to recipients of medical assistance; and psychiatrists shall be  
7 reimbursed at the medical assistance program fee-for-service  
8 rate.

9 o. For the fiscal year beginning July 1, 2013, the  
10 reimbursement rate for consumer-directed attendant care shall  
11 be increased by 1.5 percent over the rates in effect on June  
12 30, 2013.

13 p. For the fiscal year beginning July 1, 2013, the  
14 reimbursement rate for providers of family planning services  
15 that are eligible to receive a 90 percent federal match shall  
16 be increased by 1.5 percent over the rates in effect on June  
17 30, 2013.

18 q. For the fiscal year beginning July 1, 2013, the upper  
19 limits on reimbursement rates for providers of home and  
20 community-based services waiver services shall be the limits  
21 in effect on June 30, 2013, pursuant to 441 IAC 79.1(2) based  
22 on federal Medicare rates, federal veterans administration  
23 rates, or the dollar amount specified in the rule, increased  
24 by 3 percent.

25 2. For the fiscal year beginning July 1, 2013, the  
26 reimbursement rate for providers reimbursed under the  
27 in-home-related care program shall not be less than the minimum  
28 payment level as established by the federal government to meet  
29 the federally mandated maintenance of effort requirement.

30 3. Unless otherwise directed in this section, when the  
31 department's reimbursement methodology for any provider  
32 reimbursed in accordance with this section includes an  
33 inflation factor, this factor shall not exceed the amount  
34 by which the consumer price index for all urban consumers  
35 increased during the calendar year ending December 31, 2002.

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1     4. a. For the fiscal year beginning July 1, 2013,  
2 notwithstanding section 234.38, the foster family basic daily  
3 maintenance rate and the maximum adoption subsidy rate for  
4 children ages 0 through 5 years shall be \$16.78, the rate for  
5 children ages 6 through 11 years shall be \$17.45, the rate for  
6 children ages 12 through 15 years shall be \$19.10, and the  
7 rate for children and young adults ages 16 and older shall be  
8 \$19.35. For youth ages 18 to 21 who have exited foster care,  
9 the maximum preparation for adult living program maintenance  
10 rate shall be \$602.70 per month. The maximum payment for  
11 adoption subsidy nonrecurring expenses shall be limited to \$500  
12 and the disallowance of additional amounts for court costs and  
13 other related legal expenses implemented pursuant to 2010 Iowa  
14 Acts, chapter 1031, section 408 shall be continued.

15     b. For the fiscal year beginning July 1, 2013, the  
16 reimbursement rates for the resource family recruitment and  
17 retention contractor shall be increased by 5 percent over the  
18 rate in effect on June 30, 2013.

19     c. (1) For the fiscal year beginning July 1, 2013, the  
20 reimbursement rates for child welfare services providers shall  
21 be increased by 5 percent over the rates in effect on June  
22 30, 2013, and the maximum reimbursement rate for group foster  
23 care providers, including service and maintenance costs, shall  
24 be rebased to be equal to the maximum rate allowed for each  
25 service level as of June 30, 2013, and the rebased rate shall  
26 be increased by 5 percent.

27     (2) For purposes of this lettered paragraph, "child welfare  
28 services providers" means the resource family recruitment and  
29 retention contractors, the family safety, risk, and permanency  
30 services (family-centered) contractors, the child welfare  
31 emergency services contractors, and supervised apartment living  
32 foster care providers. The reimbursement rates for child  
33 welfare services providers and group foster care providers in  
34 succeeding fiscal years, including base rates and incentive  
35 payments, shall incorporate an inflation factor. The inflation

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1 factor shall be equal to the percentage amount by which the  
2 annual average consumer price index for all urban consumers,  
3 United States city average, issued by the United States  
4 department of labor, bureau of labor statistics, increased  
5 during the average of the three preceding calendar years ending  
6 December 31.

7 d. For the fiscal year beginning July 1, 2013, the maximum  
8 reimbursement rates under the supervised apartment living  
9 program other than foster care-related, and for social services  
10 providers under contract shall be increased by 5 percent over  
11 the rates in effect on June 30, 2013, or the provider's actual  
12 and allowable cost plus inflation for each service, whichever  
13 is less. However, if a new service or service provider is  
14 added after June 30, 2013, the initial reimbursement rate for  
15 the service or provider shall be based upon a weighted average  
16 of provider rates for similar services.

17 e. The group foster care reimbursement rates paid for  
18 placement of children out of state shall be calculated  
19 according to the same rate-setting principles as those used for  
20 in-state providers, unless the director of human services or  
21 the director's designee determines that appropriate care cannot  
22 be provided within the state. The payment of the daily rate  
23 shall be based on the number of days in the calendar month in  
24 which service is provided.

25 5. a. For the fiscal year beginning July 1, 2013, the  
26 reimbursement rate paid for shelter care and the child welfare  
27 emergency services implemented to provide or prevent the need  
28 for shelter care shall be established by contract.

29 b. For the fiscal year beginning July 1, 2013, the combined  
30 service and maintenance components of the reimbursement rate  
31 paid for shelter care services shall be based on the financial  
32 and statistical report submitted to the department. The  
33 maximum reimbursement rate shall be \$96.98 per day. The  
34 department shall reimburse a shelter care provider at the  
35 provider's actual and allowable unit cost, plus inflation, not

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1 to exceed the maximum reimbursement rate.

2 c. Notwithstanding section 232.141, subsection 8, for the  
3 fiscal year beginning July 1, 2013, the amount of the statewide  
4 average of the actual and allowable rates for reimbursement of  
5 juvenile shelter care homes that is utilized for the limitation  
6 on recovery of unpaid costs shall be increased by \$4.62 over  
7 the amount in effect for this purpose in the preceding fiscal  
8 year.

9 6. For the fiscal year beginning July 1, 2013, the  
10 department shall calculate reimbursement rates for intermediate  
11 care facilities for persons with intellectual disabilities  
12 at the 80th percentile. Beginning July 1, 2013, the rate  
13 calculation methodology shall utilize the consumer price index  
14 inflation factor applicable to the fiscal year beginning July  
15 1, 2013.

16 7. For the fiscal year beginning July 1, 2013, for child  
17 care providers reimbursed under the state child care assistance  
18 program, the department shall set provider reimbursement  
19 rates based on the rate reimbursement survey completed  
20 in December 2006. Effective July 1, 2013, the child care  
21 provider reimbursement rates shall be increased by 5 percent  
22 over the rates in effect on June 30, 2013. The department  
23 shall set rates in a manner so as to provide incentives for a  
24 nonregistered provider to become registered by applying the  
25 increase only to registered and licensed providers.

26 8. Any increase specified in a provider's reimbursement  
27 rate in accordance with this section shall be used to increase  
28 compensation and costs of employment, including benefits, for  
29 nonadministrative staff.

30 9. The department may adopt emergency rules to implement  
31 this section.

32 Sec. 29. EMERGENCY RULES.

33 1. If specifically authorized by a provision of this  
34 division of this Act for the fiscal year beginning July 1,  
35 2013, the department of human services or the mental health,

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1 and disability services commission may adopt administrative  
2 rules under section 17A.4, subsection 3, and section 17A.5,  
3 subsection 2, paragraph "b", to implement the provisions and  
4 the rules shall become effective immediately upon filing or  
5 on a later effective date specified in the rules, unless the  
6 effective date is delayed by the administrative rules review  
7 committee. Any rules adopted in accordance with this section  
8 shall not take effect before the rules are reviewed by the  
9 administrative rules review committee. The delay authority  
10 provided to the administrative rules review committee under  
11 section 17A.4, subsection 7, and section 17A.8, subsection 9,  
12 shall be applicable to a delay imposed under this section,  
13 notwithstanding a provision in those sections making them  
14 inapplicable to section 17A.5, subsection 2, paragraph "b".  
15 Any rules adopted in accordance with the provisions of this  
16 section shall also be published as notice of intended action  
17 as provided in section 17A.4.

18 2. If during the fiscal year beginning July 1, 2013, the  
19 department of human services is adopting rules in accordance  
20 with this section or as otherwise directed or authorized by  
21 state law, and the rules will result in an expenditure increase  
22 beyond the amount anticipated in the budget process or if the  
23 expenditure was not addressed in the budget process for the  
24 fiscal year, the department shall notify the persons designated  
25 by this division of this Act for submission of reports,  
26 the chairpersons and ranking members of the committees on  
27 appropriations, and the department of management concerning the  
28 rules and the expenditure increase. The notification shall be  
29 provided at least 30 calendar days prior to the date notice of  
30 the rules is submitted to the administrative rules coordinator  
31 and the administrative code editor.

32 Sec. 30. REPORTS. Any reports or other information  
33 required to be compiled and submitted under this Act during the  
34 fiscal year beginning July 1, 2013, shall be submitted to the  
35 chairpersons and ranking members of the joint appropriations

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1 subcommittee on health and human services, the legislative  
2 services agency, and the legislative caucus staffs on or  
3 before the dates specified for submission of the reports or  
4 information.

5 DIVISION VI

6 HEALTH CARE ACCOUNTS AND FUNDS — FY 2013-2014

7 Sec. 31. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is  
8 appropriated from the pharmaceutical settlement account created  
9 in section 249A.33 to the department of human services for the  
10 fiscal year beginning July 1, 2013, and ending June 30, 2014,  
11 the following amount, or so much thereof as is necessary, to be  
12 used for the purpose designated:

13 Notwithstanding any provision of law to the contrary, to  
14 supplement the appropriations made in this Act for medical  
15 contracts under the medical assistance program for the fiscal  
16 year beginning July 1, 2013, and ending June 30, 2014:

17 ..... \$ 6,650,000

18 Sec. 32. APPROPRIATIONS FROM IOWACARE ACCOUNT.

19 1. There is appropriated from the IowaCare account  
20 created in section 249J.24 to the state board of regents for  
21 distribution to the university of Iowa hospitals and clinics  
22 for the fiscal year beginning July 1, 2013, and ending June 30,  
23 2014, for the program period beginning July 1, 2013, and ending  
24 December 31, 2013, the following amount, or so much thereof as  
25 is necessary, to be used for the purposes designated:

26 For salaries, support, maintenance, equipment, and  
27 miscellaneous purposes, for the provision of medical and  
28 surgical treatment of indigent patients, for provision of  
29 services to members of the expansion population pursuant to  
30 chapter 249J, and for medical education:

31 ..... \$ 13,642,292

32 a. Funds appropriated in this subsection shall be used  
33 in accordance with 2011 Iowa Acts, chapter 129, section 35,  
34 subsection 1, paragraph "a".

35 b. Notwithstanding any provision of law to the contrary,

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1 the amount appropriated in this subsection shall be distributed  
2 based on claims submitted, adjudicated, and paid by the Iowa  
3 Medicaid enterprise.

4 c. The university of Iowa hospitals and clinics shall  
5 certify public expenditures in an amount equal to provide  
6 the nonfederal share on total expenditures not to exceed  
7 \$10,000,000.

8 2. There is appropriated from the IowaCare account  
9 created in section 249J.24 to the state board of regents for  
10 distribution to the university of Iowa hospitals and clinics  
11 for the fiscal year beginning July 1, 2013, and ending June 30,  
12 2014, for the program period beginning July 1, 2013, and ending  
13 December 31, 2013, the following amount, or so much thereof as  
14 is necessary, to be used for the purposes designated:

15 For salaries, support, maintenance, equipment, and  
16 miscellaneous purposes, for the provision of medical and  
17 surgical treatment of indigent patients, for provision of  
18 services to members of the expansion population pursuant to  
19 chapter 249J, and for medical education:

20 ..... \$ 26,284,600

21 Notwithstanding any provision of law to the contrary, the  
22 amount appropriated in this subsection shall be distributed  
23 based on claims submitted, adjudicated, and paid by the Iowa  
24 Medicaid enterprise.

25 3. There is appropriated from the IowaCare account  
26 created in section 249J.24, to the state board of regents for  
27 distribution to university of Iowa physicians for the fiscal  
28 year beginning July 1, 2013, and ending June 30, 2014, for the  
29 program period beginning July 1, 2013, and ending December 31,  
30 2013, the following amount, or so much thereof as is necessary  
31 to be used for the purposes designated:

32 For salaries, support, maintenance, equipment, and  
33 miscellaneous purposes for the provision of medical and  
34 surgical treatment of indigent patients, for provision of  
35 services to members of the expansion population pursuant to

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1 chapter 249J, and for medical education:

2 ..... \$ 9,903,183

3 Notwithstanding any provision of law to the contrary, the  
4 amount appropriated in this subsection shall be distributed  
5 based on claims submitted, adjudicated, and paid by the Iowa  
6 Medicaid enterprise. Once the entire amount appropriated in  
7 this subsection has been distributed, claims shall continue to  
8 be submitted and adjudicated by the Iowa Medicaid enterprise;  
9 however, no payment shall be made based upon such claims.

10 4. There is appropriated from the IowaCare account created  
11 in section 249J.24 to the department of human services for  
12 the fiscal year beginning July 1, 2013, and ending June 30,  
13 2014, for the program period beginning July 1, 2013, and ending  
14 December 31, 2013, the following amount, or so much thereof as  
15 is necessary, to be used for the purposes designated:

16 For distribution to a publicly owned acute care teaching  
17 hospital located in a county with a population over 350,000 for  
18 the provision of medical and surgical treatment of indigent  
19 patients, for provision of services to members of the expansion  
20 population pursuant to chapter 249J, and for medical education:  
21 ..... \$ 33,750,000

22 a. Notwithstanding any provision of law to the contrary,  
23 the amount appropriated in this subsection shall be distributed  
24 based on claims submitted, adjudicated, and paid by the Iowa  
25 Medicaid enterprise plus a monthly disproportionate share  
26 hospital payment. Any amount appropriated in this subsection  
27 in excess of \$32,000,000 shall be distributed only if the sum  
28 of the expansion population claims adjudicated and paid by the  
29 Iowa Medicaid enterprise plus the estimated disproportionate  
30 share hospital payments exceeds \$32,000,000. The amount paid  
31 in excess of \$32,000,000 shall not adjust the original monthly  
32 payment amount but shall be distributed monthly based on actual  
33 claims adjudicated and paid by the Iowa Medicaid enterprise  
34 plus the estimated disproportionate share hospital amount. Any  
35 amount appropriated in this subsection in excess of \$32,000,000

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1 shall be allocated only if federal funds are available to match  
2 the amount allocated. Pursuant to paragraph "b", of the amount  
3 appropriated in this subsection, not more than \$2,000,000 shall  
4 be distributed for prescription drugs, podiatry services,  
5 optometric services, and durable medical equipment.

6 b. Notwithstanding any provision of law to the contrary, the  
7 hospital identified in this subsection, shall be reimbursed for  
8 outpatient prescription drugs, podiatry services, optometric  
9 services, and durable medical equipment provided to members  
10 of the expansion population pursuant to all applicable  
11 medical assistance program rules, in an amount not to exceed  
12 \$2,000,000.

13 c. Notwithstanding the total amount of proceeds distributed  
14 pursuant to section 249J.24, subsection 4, paragraph "a",  
15 unnumbered paragraph 1, for the fiscal year beginning July  
16 1, 2013, and ending June 30, 2014, the county treasurer of a  
17 county with a population of over 350,000 in which a publicly  
18 owned acute care teaching hospital is located shall distribute  
19 the proceeds collected pursuant to section 347.7 between  
20 July 1, 2013, and December 31, 2013, in a total amount of  
21 \$19,000,000, which would otherwise be distributed to the county  
22 hospital, to the treasurer of state for deposit in the IowaCare  
23 account.

24 d. Notwithstanding the amount collected and distributed  
25 for deposit in the IowaCare account pursuant to section  
26 249J.24, subsection 4, paragraph "a", subparagraph (1), the  
27 first \$19,000,000 in proceeds collected pursuant to section  
28 347.7 between July 1, 2013, and December 31, 2013, shall be  
29 distributed to the treasurer of state for deposit in the  
30 IowaCare account and collections during this time period in  
31 excess of \$19,000,000 shall be distributed to the acute care  
32 teaching hospital identified in this subsection. Of the  
33 collections in excess of the \$19,000,000 received by the acute  
34 care teaching hospital under this paragraph "d", \$2,000,000  
35 shall be distributed by the acute care teaching hospital to the

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1 treasurer of state for deposit in the IowaCare account in the  
2 month of January 2014, following the July 1 through December  
3 31, 2013, period.

4 5. There is appropriated from the IowaCare account created  
5 in section 249J.24 to the department of human services for  
6 the fiscal year beginning July 1, 2013, and ending June 30,  
7 2014, for the program period beginning July 1, 2013, and ending  
8 December 31, 2013, the following amount, or so much thereof as  
9 is necessary to be used for the purpose designated:

10 For payment to the regional provider network specified  
11 by the department pursuant to section 249J.7 for provision  
12 of covered services to members of the expansion population  
13 pursuant to chapter 249J:

14 ..... \$ 2,993,183

15 Notwithstanding any provision of law to the contrary, the  
16 amount appropriated in this subsection shall be distributed  
17 based on claims submitted, adjudicated, and paid by the Iowa  
18 Medicaid enterprise. Once the entire amount appropriated in  
19 this subsection has been distributed, claims shall continue to  
20 be submitted and adjudicated by the Iowa Medicaid enterprise;  
21 however, no payment shall be made based upon such claims.

22 6. There is appropriated from the IowaCare account created  
23 in section 249J.24 to the department of human services for  
24 the fiscal year beginning July 1, 2013, and ending June 30,  
25 2014, for the program period beginning July 1, 2013, and ending  
26 December 31, 2013, the following amount or so much thereof as  
27 is necessary to be used for the purposes designated:

28 For a laboratory test and radiology pool for services  
29 authorized by a federally qualified health center designated  
30 by the department as part of the IowaCare regional provider  
31 network that does not have the capability to provide these  
32 services on site:

33 ..... \$ 1,500,000

34 Notwithstanding sections 249J.6 and 249J.7, the amount  
35 appropriated in this subsection is intended to provide

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1 reimbursement for services provided to expansion population  
2 members that have previously been paid for through expenditure  
3 by designated regional provider network providers of their  
4 own funds, not to expand coverage under the IowaCare program  
5 or to expand the expansion population provider network. The  
6 department shall designate the laboratory and radiology  
7 provider associated with each designated regional provider  
8 network provider that may receive reimbursement. The  
9 department shall adopt administrative rules pursuant to chapter  
10 17A to establish a prior authorization process and to identify  
11 covered services for reimbursement under this subsection.  
12 All other medical assistance program payment policies and  
13 rules for laboratory and radiology services shall apply to  
14 services provided under this subsection. If the entire amount  
15 appropriated under this subsection is expended, laboratory  
16 tests and radiology services ordered by a designated regional  
17 provider network provider shall be the financial responsibility  
18 of the regional provider network provider.

19     Sec. 33. APPROPRIATIONS FROM NONPARTICIPATING  
20 PROVIDER REIMBURSEMENT FUND — DEPARTMENT OF HUMAN  
21 SERVICES. Notwithstanding any provision to the contrary, and  
22 subject to the availability of funds, there is appropriated  
23 from the nonparticipating provider reimbursement fund created  
24 in section 249J.24A to the department of human services for  
25 the fiscal year beginning July 1, 2013, and ending June 30,  
26 2014, for the program period beginning July 1, 2013, and ending  
27 December 31, 2013, the following amount or so much thereof as  
28 is necessary for the purposes designated:

29     To reimburse nonparticipating providers in accordance with  
30 section 249J.24A:

31 ..... \$ 1,000,000

32     Sec. 34. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN  
33 SERVICES. Notwithstanding any provision to the contrary and  
34 subject to the availability of funds, there is appropriated  
35 from the quality assurance trust fund created in section

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1 249L.4 to the department of human services for the fiscal year  
2 beginning July 1, 2013, and ending June 30, 2014, the following  
3 amounts, or so much thereof as is necessary for the purposes  
4 designated:

5 To supplement the appropriation made in this Act from the  
6 general fund of the state to the department of human services  
7 for medical assistance for the same fiscal year:

8 ..... \$ 28,788,917

9 Sec. 35. HOSPITAL HEALTH CARE ACCESS TRUST FUND —  
10 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to  
11 the contrary and subject to the availability of funds, there is  
12 appropriated from the hospital health care access trust fund  
13 created in section 249M.4 to the department of human services  
14 for the fiscal year beginning July 1, 2013, and ending June  
15 30, 2014, the following amounts, or so much thereof as is  
16 necessary, for the purposes designated:

17 1. To supplement the appropriation made in this Act from the  
18 general fund of the state to the department of human services  
19 for medical assistance for the same fiscal year:

20 ..... \$ 34,288,000

21 2. For deposit in the nonparticipating provider  
22 reimbursement fund created in section 249J.24A to be used for  
23 the purposes of the fund:

24 ..... \$ 412,000

25 Sec. 36. MEDICAL ASSISTANCE PROGRAM — NONREVERSION  
26 FOR FY 2013-2014. Notwithstanding section 8.33, if moneys  
27 appropriated for purposes of the medical assistance program for  
28 the fiscal year beginning July 1, 2013, and ending June 30,  
29 2014, from the general fund of the state, the quality assurance  
30 trust fund, and the hospital health care access trust fund, are  
31 in excess of actual expenditures for the medical assistance  
32 program and remain unencumbered or unobligated at the close  
33 of the fiscal year, the excess moneys shall not revert but  
34 shall remain available for expenditure for the purposes of the  
35 medical assistance program until the close of the succeeding

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1 fiscal year.

2 DIVISION VII

3 CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD ENROLLMENT

4 CONTINGENCY FUND — FY 2013-2014

5 Sec. 37. CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD  
6 ENROLLMENT CONTINGENCY FUND — DIRECTIVES FOR USE OF FUNDS —  
7 FY 2013-2014.

8 1. Any funds remaining on June 30, 2013, from moneys  
9 received from the federal government through the child  
10 enrollment contingency fund established pursuant to section  
11 103 of the federal Children's Health Insurance Program  
12 Reauthorization Act of 2009, Pub. L. No. 111-3, are transferred  
13 to the rebuild Iowa infrastructure fund established pursuant  
14 to section 8.57 and are appropriated to the department of  
15 administrative services for the fiscal year beginning July 1,  
16 2013, and ending June 30, 2014, to be used for projects related  
17 to major repairs and major maintenance for state buildings and  
18 facilities. The department of human services shall work with  
19 the department of administrative services in drawing down the  
20 federal funds.

21 DIVISION VIII

22 PRIOR YEAR APPROPRIATIONS

23 RESPITE

24 Sec. 38. 2011 Iowa Acts, chapter 129, section 128, as  
25 amended by 2012 Iowa Acts chapter 1133, section 22, subsection  
26 26, is amended to read as follows:

27 26. Of the funds appropriated in this section, at least  
28 \$25,000 shall be used to continue and to expand the foster  
29 care respite pilot program in which postsecondary students in  
30 social work and other human services-related programs receive  
31 experience by assisting family foster care providers with  
32 respite and other support. Notwithstanding section 8.33,  
33 moneys allocated in this subsection that remain unencumbered or  
34 unobligated at the close of the fiscal year shall not revert  
35 but shall remain available for expenditure for the purposes

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1 designated until the close of the succeeding fiscal year.

2 MEDICAL ASSISTANCE — GENERAL FUND

3 Sec. 39. 2011 Iowa Acts, chapter 129, section 122,  
4 unnumbered paragraph 2, is amended to read as follows:

5 For medical assistance program reimbursement and associated  
6 costs as specifically provided in the reimbursement  
7 methodologies in effect on June 30, 2012, except as otherwise  
8 expressly authorized by law, and consistent with options under  
9 federal law and regulations:

10 ..... ~~\$914,993,421~~

11 968,276,514

12 MEDICAL ASSISTANCE — IOWACARE TRANSFER ALLOCATION

13 Sec. 40. 2011 Iowa Acts, chapter 129, section 122,  
14 subsection 13, as amended by 2012 Iowa Acts, chapter 1133,  
15 section 10, is amended to read as follows:

16 13. Of the funds appropriated in this section, up to  
17 ~~\$8,684,329~~ \$16,004,422 may be transferred to the IowaCare  
18 account created in section 249J.24.

19 ADOPTION SUBSIDY — GENERAL FUND

20 Sec. 41. 2011 Iowa Acts, chapter 129, section 129, as  
21 amended by 2012 Iowa Acts, chapter 1133, section 23, subsection  
22 1, is amended to read as follows:

23 1. There is appropriated from the general fund of the  
24 state to the department of human services for the fiscal year  
25 beginning July 1, 2012, and ending June 30, 2013, the following  
26 amount, or so much thereof as is necessary, to be used for the  
27 purpose designated:

28 For adoption subsidy payments and services:

29 ..... \$ ~~36,788,576~~

30 37,780,672

31 NURSING FACILITY REIMBURSEMENT

32 Sec. 42. 2011 Iowa Acts, chapter 129, section 141,  
33 subsection 1, paragraph a, subparagraph (1), as amended by  
34 2012 Iowa Acts, chapter 1133, section 32, is amended to read  
35 as follows:



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1 (1) For the fiscal year beginning July 1, 2012, the total  
2 state funding amount for the nursing facility budget shall not  
3 exceed ~~\$237,226,901~~ \$239,226,901.

4 Sec. 43. EFFECTIVE UPON ENACTMENT. This division of this  
5 Act, being deemed of immediate importance, takes effect upon  
6 enactment.

7 DIVISION IX

8 CHILD WELFARE AND CHILD CARE

9 Sec. 44. Section 232.142, subsection 5, Code 2013, is  
10 amended to read as follows:

11 5. The director shall approve annually all such homes  
12 established and maintained under the provisions of this  
13 chapter. A home shall not be approved unless it complies with  
14 minimal rules and standards adopted by the director and has  
15 been inspected by the department of inspections and appeals.  
16 The statewide number of beds in the homes approved by the  
17 director shall not exceed the number of beds in approved homes  
18 as of July 1, 2012.

19 Sec. 45. Section 237A.13, subsection 7, paragraph c, Code  
20 2013, is amended to read as follows:

21 c. Families with an income of more than one hundred percent  
22 but not more than one hundred ~~forty-five~~ forty-eight percent of  
23 the federal poverty level whose members are employed at least  
24 twenty-eight hours per week.

25 Sec. 46. Section 237A.13, subsection 8, Code 2013, is  
26 amended to read as follows:

27 8. Nothing in this section shall be construed as or is  
28 intended as, or shall imply, a grant of entitlement for  
29 services to persons who are eligible for assistance due to  
30 an income level or other eligibility circumstance addressed  
31 in this section. Any state obligation to provide services  
32 pursuant to this section is limited to the extent of the funds  
33 appropriated for the purposes of state child care assistance.  
34 The standard period for redetermining the eligibility of a  
35 program participant is twelve months after the date of the

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1 initial determination of eligibility and every twelve months  
2 thereafter.

3 DIVISION X

4 AGING

5 Sec. 47. Section 231.33, subsection 21, Code 2013, if  
6 enacted by 2013 Iowa Acts, Senate File 184, section 22, is  
7 amended to read as follows:

8 21. Comply with all applicable requirements of the Iowa  
9 public employees' retirement system established pursuant to  
10 chapter 97B. Notwithstanding any provision to the contrary,  
11 an employee of an area agency on aging that was enrolled in  
12 an alternative qualified plan prior to July 1, 2012, may  
13 continue participation in that alternative qualified plan in  
14 lieu of mandatory participation in the Iowa public employees'  
15 retirement system.

16 Sec. 48. Section 231.42, subsection 7, paragraph a, Code  
17 2013, is amended to read as follows:

18 a. An officer, owner, director, or employee of a long-term  
19 care facility, assisted living program, or elder group home who  
20 intentionally prevents, interferes with, or attempts to impede  
21 the work of the state or a local long-term care resident's  
22 advocate is subject to a penalty imposed by the director of not  
23 more than one thousand five hundred dollars for each violation.  
24 If the director imposes a penalty for a violation under this  
25 paragraph, no other state agency shall impose a penalty for the  
26 same interference violation. Any moneys collected pursuant  
27 to this subsection shall be deposited in the general fund of  
28 the state and are appropriated to the office of long-term care  
29 ombudsman to be used for administration and the duties of the  
30 office.

31 Sec. 49. REPEAL. Section 231E.13, Code 2013, is repealed.

32 Sec. 50. TASK FORCE ON ELDER ABUSE PREVENTION AND  
33 INTERVENTION.

34 1. The department on aging shall convene a task force  
35 on elder abuse prevention and intervention to continue the

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1 work of the elder abuse task force established pursuant to  
2 2012 Iowa Acts, chapter 1056. The task force shall include  
3 representatives of the department on aging, the office of  
4 long-term care resident's advocate, the department of human  
5 services, the department of inspections and appeals, the  
6 department of public health, the office of the attorney  
7 general, the department of veterans affairs, the department  
8 of public safety, the insurance division of the department  
9 of commerce, a county attorney's office with experience  
10 in prosecuting elder abuse, the superintendent of banking,  
11 the courts, the elder law section of the Iowa state bar  
12 association, and other affected stakeholders. The task force  
13 shall form workgroups as necessary to address the specific  
14 recommendations.

15 2. The task force shall review the report of the elder  
16 abuse task force submitted in December 2012, develop an  
17 implementation plan for the recommendations, and make any  
18 additional recommendations as necessary. The implementation  
19 plan and additional recommendations shall address all of the  
20 following:

21 a. The design of the comprehensive approach to elder  
22 abuse prevention and intervention in the state utilizing the  
23 prevention of elder abuse program pursuant to section 231.56A  
24 and the office of substitute decision maker created pursuant  
25 to chapter 231E. The design shall also address all of the  
26 following:

27 (1) Harmonization of the approach design with the  
28 existing dependent adult abuse system pursuant to chapter  
29 235B, including but not limited to standardized training,  
30 collaboration between the elder abuse approach and the  
31 department of human services when a report of dependent adult  
32 abuse involves an older individual, and the membership of  
33 multidisciplinary teams.

34 (2) Incorporation of the approach design into other  
35 existing and developing components of the system including

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1 the area agencies on aging, the mental health and disability  
2 services regions, local public health departments, the local  
3 offices of the department on human services, the courts, and  
4 other appropriate entities, to most effectively and efficiently  
5 address the needs of older individuals.

6 (3) A determination as to whether to provide specialized  
7 elder abuse units in police departments, the office of the  
8 attorney general, prosecutors' offices, and other sectors.

9 (4) A determination as to whether to develop specialized  
10 elder law courts as a mechanism for addressing elder abuse and  
11 the needs of older individuals in the court system.

12 b. The definition of elder abuse to be used in the approach  
13 to elder abuse. The task force shall address continued use  
14 of the definition of "elder abuse" as specified under the  
15 federal Older Americans Act and utilized by the prevention of  
16 elder abuse program under section 231.56A, or shall provide a  
17 specific alternative definition.

18 c. The designation of a single point of contact to report  
19 elder abuse. The task force shall specifically address  
20 utilizing the aging and disability resource center network as  
21 the single point of contact.

22 d. The means of addressing financial exploitation of older  
23 individuals, including those relating to powers of attorney and  
24 conservatorships as described in the 2012 task force report.  
25 The task force shall do all of the following:

26 (1) Enlist the involvement of the elder law and probate  
27 sections of the Iowa state bar association to review, develop,  
28 and submit as proposed legislation for the 2014 legislative  
29 session, the uniform power of attorney Act.

30 (2) Determine whether and what specific crimes should  
31 be established to address financial exploitation of older  
32 individuals.

33 e. Promotion of public awareness of elder abuse and the  
34 services and support available to older individuals at risk of  
35 or experiencing elder abuse.

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1 f. Any specific changes in statute and rules necessary to  
2 achieve the recommendations of the task force.

3 3. The task force shall submit a progress report to the  
4 elder abuse prevention and intervention legislative interim  
5 committee established pursuant to this Act for review, by  
6 October 31, 2013, and shall submit a final report of its  
7 recommendations and proposed legislation following approval  
8 by the legislative interim committee to the governor and the  
9 general assembly no later than December 31, 2013.

10 Sec. 51. LEGISLATIVE INTERIM COMMITTEE. The legislative  
11 council is requested to establish a legislative interim  
12 committee on elder abuse prevention and intervention for the  
13 2013 legislative interim to monitor the progress of, and  
14 provide direction to, the task force on elder abuse prevention  
15 and intervention created in this Act. The legislative  
16 committee shall review the progress report and approve the  
17 final report of the task force and shall submit the committee's  
18 recommendations and a final report to the general assembly  
19 following completion of the committee's work.

20 Sec. 52. PILOT PROJECT — GUARDIANSHIP AND CONSERVATORSHIP  
21 MONITORING. The department on aging shall collaborate  
22 with the national health law and policy resource center  
23 at the university of Iowa college of law to establish a  
24 three-year pilot project to train, recruit, and oversee  
25 volunteers to assist the courts in monitoring guardianships  
26 and conservatorships and to provide assistance to guardians  
27 and conservators. The pilot project volunteers shall ensure  
28 that the court records monitored are accurate and up-to-date,  
29 review reports and accountings from guardians and conservators  
30 to better protect wards, visit wards as necessary to ensure  
31 the needs of the wards are being met, and notify the court  
32 of any identified problems or concerns. The pilot project  
33 shall be implemented initially in the sixth judicial district.  
34 The pilot project shall be utilized to establish a basis  
35 for an ongoing guardianship and conservatorship monitoring

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1 and assistance program administered through the office of  
2 substitute decision maker created pursuant to chapter 231E, to  
3 enable the office of substitute decision maker, in conjunction  
4 with the courts, to provide oversight and training relevant to  
5 guardianships and conservatorships and to intervene in cases  
6 in which guardians and conservators are not complying with  
7 prescribed duties.

8     Sec. 53. EFFECTIVE UPON ENACTMENT. The section of this  
9 division of this Act establishing a task force on elder abuse  
10 prevention, being deemed of immediate importance, takes effect  
11 upon enactment.

12     Sec. 54. EFFECTIVE UPON ENACTMENT. The section of this  
13 division of this Act amending section 231.33, subsection 21,  
14 if enacted by 2013 Iowa Acts, Senate File 184, being deemed of  
15 immediate importance, takes effect upon enactment.

16     Sec. 55. RETROACTIVE APPLICABILITY. The section of this  
17 division of this Act amending section 231.33, subsection 21,  
18 if enacted by 2013 Iowa Acts, applies retroactively to July 1,  
19 2012.

20                     DIVISION XI

21                     EMS TASK FORCE

22     Sec. 56. EMERGENCY MEDICAL SERVICES TASK FORCE AND REPORT.

23     1. The department of public health shall establish a task  
24 force to ensure the future availability of quality emergency  
25 medical services for the state.

26     2. The members of the task force shall be appointed by the  
27 director of the department of public health, or the director's  
28 designee, as follows:

29     a. A manager of a rural volunteer emergency medical  
30 transport service.

31     b. A manager of a rural paid emergency medical transport  
32 service.

33     c. A manager of an urban emergency medical transport  
34 service.

35     d. A manager of a nontransport emergency medical service.

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- 1 e. A representative of a fire department-based emergency  
2 medical service.
- 3 f. A representative of a hospital-based emergency medical  
4 service.
- 5 g. A representative of a private, for-profit emergency  
6 medical transport service.
- 7 h. A representative of a not-for-profit emergency medical  
8 transport service.
- 9 i. A representative of the Iowa emergency medical services  
10 association board of directors.
- 11 j. A representative of an emergency medical services  
12 training agency.
- 13 k. An urban emergency department physician.
- 14 l. A rural emergency department physician.
- 15 m. A representative of the Iowa emergency nurses  
16 association.
- 17 n. A representative of the Iowa alliance in home care.
- 18 o. A representative of an emergency medical service air  
19 ambulance.
- 20 p. A representative of the Iowa hospital association.
- 21 q. A representative of the private insurance industry.
- 22 r. A representative of the Iowa Medicaid enterprise  
23 division of the department of human services.
- 24 s. A representative of city government.
- 25 t. A representative of county government.
- 26 u. A representative of the nursing facility industry.
- 27 v. A representative of the Iowa behavioral health  
28 association.
- 29 w. A consumer of emergency medical services.
- 30 x. An advanced registered nurse practitioner.
- 31 3. The task force shall discuss the current state of  
32 emergency medical services in Iowa and make recommendations for  
33 enhancement of Iowa's emergency medical services system. The  
34 recommendations shall address issues facing volunteer and paid  
35 rural emergency medical services, cost projections including

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1 administration costs for all recommendations, the Medicaid  
2 reimbursement fee schedule for ambulance services, and the  
3 nature and scope of any recommended changes in regulations  
4 governing emergency medical services.

5 4. The task force shall, by April 30, 2014, submit a final  
6 report of its findings and recommendations to the governor,  
7 the general assembly, the department of public health, and the  
8 emergency medical services advisory council. The emergency  
9 medical services advisory council shall review the report and  
10 make recommendations related to implementation of the report's  
11 recommendations to the director of the department of public  
12 health.

13 DIVISION XII

14 MEDICATION THERAPY MANAGEMENT

15 Sec. 57. MEDICATION THERAPY MANAGEMENT — MEDICAID.

16 1. As used in this section, "medication therapy management"  
17 means a systematic process performed by a licensed pharmacist,  
18 designed to improve quality outcomes for patients and lower  
19 health care costs, including emergency room, hospital,  
20 provider, and other costs, by optimizing appropriate medication  
21 use linked directly to achievement of the clinical goals of  
22 therapy. Medication therapy management shall include all of  
23 the following services:

24 a. A medication therapy review and in-person consultation  
25 relating to all medications, vitamins, and herbal supplements  
26 currently being taken by an eligible individual.

27 b. A medication action plan, subject to the limitations  
28 specified in this section, communicated to the individual and  
29 the individual's primary care physician or other appropriate  
30 prescriber to address issues including appropriateness,  
31 effectiveness, safety, drug interactions, and adherence. The  
32 medication action plan may include drug therapy recommendations  
33 to prescribers that are needed to meet clinical goals and  
34 achieve optimal patient outcomes.

35 c. Documentation and follow-up to ensure consistent levels

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1 of pharmacy services and positive outcomes.

2 2. a. The department of human services shall utilize a  
3 request for proposals process and shall enter into a contract  
4 for the provision of medication therapy management services for  
5 eligible medical assistance program recipients who meet any of  
6 the following criteria:

7 (1) An individual who takes four or more prescription drugs  
8 to treat or prevent two or more chronic medical conditions.

9 (2) An individual with a prescription drug therapy problem  
10 who is identified by the prescribing physician or other  
11 appropriate prescriber, and referred to a pharmacist for  
12 medication therapy management services.

13 (3) An individual who meets other criteria established by  
14 the Iowa Medicaid enterprise.

15 b. The fees for pharmacist-delivered medication therapy  
16 management services shall be separate from the reimbursement  
17 for prescription drug product or dispensing services, and  
18 shall be reasonable based on the resources and time required  
19 to provide the service.

20 c. A fee shall be established for physician reimbursement  
21 for services delivered for medication therapy management and  
22 shall be reasonable based on the resources and time required  
23 to provide the service.

24 d. If any part of the medication therapy management  
25 plan developed by a pharmacist incorporates services which  
26 are outside the pharmacist's independent scope of practice  
27 including the initiation of therapy, modification of dosages,  
28 therapeutic interchange, or changes in drug therapy, the  
29 express authorization of the individual's physician or other  
30 appropriate prescriber shall be required.

31 Sec. 58. EFFECTIVE UPON ENACTMENT. This division of this  
32 Act, being deemed of immediate importance, takes effect upon  
33 enactment.

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DIVISION XIII  
HOSPITAL PROVIDER TAX

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1 Sec. 59. Section 249M.5, Code 2013, is amended to read as  
2 follows:

3 **249M.5 Future repeal.**

4 This chapter is repealed June 30, ~~2013~~ 2016.

5 Sec. 60. EFFECTIVE UPON ENACTMENT. The section of this  
6 division of this Act relating to the future repeal of the  
7 hospital health care access assessment program chapter, being  
8 deemed of immediate importance, takes effect upon enactment.

9 DIVISION XIV

10 ILL AND HANDICAPPED WAIVER NAME CHANGE

11 Sec. 61. Section 423.3, subsection 18, paragraph f,  
12 subparagraph (1), Code 2013, is amended to read as follows:

13 (1) ~~Ill and handicapped~~ Health and disability waiver  
14 service providers, described in 441 IAC 77.30.

15 DIVISION XV

16 MILLER TRUST

17 Sec. 62. Section 633C.2, Code 2013, is amended to read as  
18 follows:

19 **633C.2 Disposition of medical assistance special needs**  
20 **trusts.**

21 Regardless of the terms of a medical assistance special  
22 needs trust, any income received or asset added to the trust  
23 during a one-month period shall be expended as provided for  
24 medical assistance income trusts under section 633C.3, on  
25 a monthly basis, during the life of the beneficiary. Any  
26 increase in income or principal retained in the trust from  
27 a previous month may be expended, during the life of the  
28 beneficiary, only for reasonable and necessary expenses of  
29 the trust, not to exceed ~~ten~~ twenty-five dollars per month  
30 without court approval, for special needs of the beneficiary  
31 attributable to the beneficiary's disability and approved by  
32 the district court, for medical care or services that would  
33 otherwise be covered by medical assistance under chapter 249A,  
34 or to reimburse the state for medical assistance paid on behalf  
35 of the beneficiary.

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1 Sec. 63. Section 633C.3, subsection 1, unnumbered paragraph  
2 1, Code 2013, is amended to read as follows:

3 Regardless of the terms of a medical assistance income  
4 trust, if the beneficiary's total monthly income is less  
5 than one hundred and twenty-five percent of the average  
6 statewide charge for nursing facility services to a private  
7 pay resident of a nursing facility, then, during the life of  
8 the beneficiary, any property received or held by the trust  
9 shall be expended only as follows, as applicable, and in the  
10 following order of priority:

11 Sec. 64. Section 633C.3, subsection 1, paragraph a, Code  
12 2013, is amended to read as follows:

13 a. A reasonable amount may be paid or set aside each  
14 month for necessary expenses of the trust, not to exceed ~~ten~~  
15 twenty-five dollars per month without court approval.

16 Sec. 65. Section 633C.3, subsection 2, unnumbered paragraph  
17 1, Code 2013, is amended to read as follows:

18 Regardless of the terms of a medical assistance income  
19 trust, if the beneficiary's total monthly income is at or above  
20 one hundred and twenty-five percent of the average statewide  
21 charge for nursing facility services to a private-pay resident,  
22 then, during the life of the beneficiary, any property received  
23 or held by the trust shall be expended only as follows, as  
24 applicable, in the following order of priority:

25 Sec. 66. Section 633C.3, subsection 2, paragraph a, Code  
26 2013, is amended to read as follows:

27 a. A reasonable amount may be paid or set aside each  
28 month for necessary expenses of the trust, not to exceed ~~ten~~  
29 twenty-five dollars per month without court approval.

30 Sec. 67. APPLICABILITY. The sections of this division of  
31 this Act amending sections 633C.2 and 633C.3, apply to trusts  
32 in existence on or after July 1, 2013.

33 DIVISION XVI

34 FAMILY PLANNING WAIVER — STATE PLAN

35 Sec. 68. Section 249A.3, subsection 2, paragraph a,

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1 subparagraph (10), Code 2013, is amended to read as follows:

2 (10) Individuals eligible for family planning services  
3 under a federally approved demonstration waiver or state plan.

4 Sec. 69. MEDICAID STATE PLAN AMENDMENT — FAMILY

5 PLANNING. The department of human services shall amend the  
6 medical assistance state plan to include, effective no later  
7 than January 1, 2014, the eligibility provisions of the Iowa  
8 family planning network section 1115 demonstration waiver in  
9 effect on January 1, 2013, as the criteria is amended to be  
10 applicable to individuals who are uninsured or who have health  
11 insurance coverage subject to the medical assistance program  
12 being the payer of last resort. The department shall implement  
13 the state plan amendment upon receipt of approval by the  
14 centers for Medicare and Medicaid services of the United States  
15 department of health and human services.

16 Sec. 70. 2010 Iowa Acts, chapter 1192, section 11,  
17 subsection 24, paragraph a, subparagraph (1), subparagraph  
18 division (a), is amended to read as follows:

19 (a) Are uninsured or have health insurance coverage ~~that~~  
20 ~~does not include coverage for benefits provided under the Iowa~~  
21 ~~family planning network~~ subject to the medical assistance  
22 program being the payer of last resort.

23 Sec. 71. EFFECTIVE UPON ENACTMENT AND CONTINGENT

24 IMPLEMENTATION. The sections of this division of this  
25 Act relating to the family planning waiver and state plan  
26 amendment, being deemed of immediate importance, take effect  
27 upon enactment. However, the department of human services  
28 shall only implement those sections to the extent the  
29 department receives federal approval of the requests relating  
30 to the waiver and the medical assistance state plan amendment  
31 necessary to implement those sections.

32 DIVISION XVII

33 MISCELLANEOUS HEALTH CARE AMENDMENTS

34 Sec. 72. Section 249A.2, subsection 1, Code 2013, is amended  
35 by striking the subsection.

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1     Sec. 73. Section 249A.2, subsections 4 and 7, Code 2013, are  
2 amended to read as follows:

3     4. "*Discretionary medical assistance*" means mandatory  
4 medical assistance or ~~additional~~ optional medical assistance  
5 provided to medically needy individuals whose income and  
6 resources are in excess of eligibility limitations but are  
7 insufficient to meet all of the costs of necessary medical  
8 care and services, provided that if the assistance includes  
9 services in institutions for mental diseases or intermediate  
10 care facilities for persons with an intellectual disability,  
11 or both, for any group of such individuals, the assistance  
12 also includes for all covered groups of such individuals at  
13 least the care and services enumerated in Tit. XIX of the  
14 federal Social Security Act, section 1905(a), paragraphs (1)  
15 through (5), and (17), as codified in 42 U.S.C. § 1396d(a),  
16 pars. (1) through (5), and (17), or any seven of the care and  
17 services enumerated in Tit. XIX of the federal Social Security  
18 Act, section 1905(a), paragraphs (1) through ~~(7) and (9)~~  
19 ~~through (18) (24)~~, as codified in 42 U.S.C. § 1396d(a), ~~pars.~~  
20 paragraphs (1) through (7), and (9) through (18) (24).

21     7. "*Medical assistance*" means payment of all or part of  
22 the costs of the care and services ~~required to be provided by~~  
23 made in accordance with Tit. XIX of the federal Social Security  
24 Act, ~~section 1905(a), paragraphs (1) through (5), and (17), as~~  
25 ~~codified in 42 U.S.C. § 1396d(a), pars. (1) through (5), and~~  
26 ~~(17) and authorized pursuant to this chapter.~~

27     Sec. 74. Section 249A.2, Code 2013, is amended by adding the  
28 following new subsections:

29     NEW SUBSECTION. 6A. "*Mandatory medical assistance*" means  
30 payment of all or part of the costs of the care and services  
31 required to be provided by Tit. XIX of the federal Social  
32 Security Act, section 1905(a), paragraphs (1) through (5),  
33 (17), (21), and (28), as codified in 42 U.S.C. § 1396d(a),  
34 paragraphs (1) through (5), (17), (21), and (28).

35     NEW SUBSECTION. 7A. "*Medical assistance program*" means

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1 the program established under this chapter to provide medical  
2 assistance.

3 NEW SUBSECTION. 8A. *"Optional medical assistance"* means  
4 payment of all or part of the costs of any or all of the care  
5 and services authorized to be provided by Tit. XIX of the  
6 federal Social Security Act, section 1905(a), paragraphs (6)  
7 through (16), (18) through (20), (22) through (27), and (29),  
8 as codified in 42 U.S.C. § 1396d(a), paragraphs (6) through  
9 (16), and (18) through (20), (22) through (27), and (29).

10 Sec. 75. Section 249A.3, subsection 1, unnumbered paragraph  
11 1, Code 2013, is amended to read as follows:

12 ~~Medical~~ Mandatory medical assistance shall be provided to,  
13 or on behalf of, any individual or family residing in the state  
14 of Iowa, including those residents who are temporarily absent  
15 from the state, who:

16 Sec. 76. Section 249A.3, subsection 1, paragraph 1,  
17 subparagraph (2), Code 2013, is amended to read as follows:

18 (2) ~~Additionally, effective July 1, 2009, medical~~  
19 ~~assistance shall be provided to~~ Is a pregnant woman or infant  
20 whose family income is at or below three hundred percent of the  
21 federal poverty level, as defined by the most recently revised  
22 poverty income guidelines published by the United States  
23 department of health and human services, if otherwise eligible.

24 Sec. 77. Section 249A.3, subsection 2, paragraph a,  
25 unnumbered paragraph 1, Code 2013, is amended to read as  
26 follows:

27 ~~Medical~~ Mandatory medical assistance may also, within the  
28 limits of available funds and in accordance with section  
29 249A.4, subsection 1, be provided to, or on behalf of,  
30 other individuals and families who are not excluded under  
31 subsection 5 of this section and whose incomes and resources  
32 are insufficient to meet the cost of necessary medical care and  
33 services in accordance with the following order of priorities:

34 Sec. 78. Section 249A.3, subsection 2, paragraph a,  
35 subparagraph (1), subparagraph division (a), Code 2013, is

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1 amended to read as follows:

2 (a) As allowed under 42 U.S.C. § 1396a(a)(10)(A)(ii)(XIII),  
3 individuals with disabilities, who are less than sixty-five  
4 years of age, who are members of families whose income is less  
5 than two hundred fifty percent of the most recently revised  
6 official poverty guidelines published by the United States  
7 department of health and human services for the family, who  
8 have earned income and who are eligible for mandatory medical  
9 assistance or ~~additional~~ optional medical assistance under this  
10 section if earnings are disregarded. As allowed by 42 U.S.C.  
11 § 1396a(r)(2), unearned income shall also be disregarded in  
12 determining whether an individual is eligible for assistance  
13 under this subparagraph. For the purposes of determining the  
14 amount of an individual's resources under this subparagraph  
15 and as allowed by 42 U.S.C. § 1396a(r)(2), a maximum of ten  
16 thousand dollars of available resources shall be disregarded,  
17 and any additional resources held in a retirement account, in a  
18 medical savings account, or in any other account approved under  
19 rules adopted by the department shall also be disregarded.

20 Sec. 79. Section 249A.3, subsection 2, paragraph a,  
21 subparagraph (3), Code 2013, is amended to read as follows:

22 (3) Individuals who are receiving care in a hospital or  
23 in a basic nursing home, intermediate nursing home, skilled  
24 nursing home or extended care facility, as defined by section  
25 135C.1, and who meet all eligibility requirements for federal  
26 supplemental security income except that their income exceeds  
27 the allowable maximum ~~therefor~~ for such eligibility, but  
28 whose income is not in excess of the maximum established  
29 ~~by subsection 4~~ for eligibility for discretionary medical  
30 assistance and is insufficient to meet the full cost of their  
31 care in the hospital or health care facility on the basis of  
32 standards established by the department.

33 Sec. 80. Section 249A.3, subsection 2, paragraph b, Code  
34 2013, is amended to read as follows:

35 b. Notwithstanding the provisions of this subsection

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1 establishing priorities for individuals and families to  
2 receive mandatory medical assistance, the department may  
3 determine within the priorities listed in this subsection which  
4 persons shall receive mandatory medical assistance based on  
5 income levels established by the department, subject to the  
6 limitations provided in subsection 4.

7 Sec. 81. Section 249A.3, subsection 3, Code 2013, is amended  
8 to read as follows:

9 3. ~~Additional~~ Optional medical assistance may, within  
10 the limits of available funds and in accordance with section  
11 249A.4, subsection 1, be provided to, or on behalf of, either  
12 of the following groups of individuals and families:

13 a. Only those individuals and families described in  
14 subsection 1 ~~of this section; or.~~

15 b. Those individuals and families described in both  
16 subsections 1 and 2.

17 Sec. 82. Section 249A.4, subsection 9, unnumbered paragraph  
18 1, Code 2013, is amended to read as follows:

19 Adopt rules pursuant to chapter 17A in determining the  
20 method and level of reimbursement for all medical and health  
21 services ~~referred to in section 249A.2, subsection 1 or 7~~  
22 to be provided under the medical assistance program, after  
23 considering all of the following:

24 Sec. 83. Section 249B.1, subsection 6, Code 2013, is amended  
25 to read as follows:

26 6. "Medical assistance" means "mandatory medical assistance",  
27 ~~"additional~~ "optional medical assistance", "discretionary medical  
28 assistance" or "medicare cost sharing" as defined in section  
29 249A.2 which is provided to an individual pursuant to chapter  
30 249A and Tit. XIX of the federal Social Security Act.

31 Sec. 84. Section 249F.1, subsection 1, Code 2013, is amended  
32 to read as follows:

33 1. "Medical assistance" means "mandatory medical  
34 assistance", ~~"additional~~ "optional medical assistance",  
35 "discretionary medical assistance", or "Medicare cost sharing"



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1 as each is defined in section 249A.2 which is provided to an  
2 individual pursuant to chapter 249A and Tit. XIX of the federal  
3 Social Security Act.

4 Sec. 85. Section 509.1, subsection 7, Code 2013, is amended  
5 to read as follows:

6 7. A policy issued to the department of human services,  
7 which shall be deemed the policyholder, to insure eligible  
8 persons for medical assistance, or for both mandatory medical  
9 assistance and ~~additional~~ optional medical assistance, as  
10 defined by chapter 249A as hereafter amended.

11 Sec. 86. Section 514.1, subsection 2, Code 2013, is amended  
12 to read as follows:

13 2. For the purposes of this chapter, "*subscriber*" means an  
14 individual who enters into a contract for health care services  
15 with a corporation subject to this chapter and includes a  
16 person eligible for mandatory medical assistance or ~~additional~~  
17 optional medical assistance as defined under chapter 249A, with  
18 respect to whom the department of human services has entered  
19 into a contract with a firm operating under this chapter. For  
20 purposes of this chapter, "*provider*" means a person as defined  
21 in section 4.1, subsection 20, which is licensed or authorized  
22 in this state to furnish health care services. "*Health care*"  
23 means that care necessary for the purpose of preventing,  
24 alleviating, curing, or healing human physical or mental  
25 illness, injury, or disability.

26 DIVISION XVIII

27 ALZHEIMER'S COORDINATION AND STRATEGY.

28 Sec. 87. NEW SECTION. 135P.1 Definitions.

29 As used in this chapter, unless the context otherwise  
30 requires:

31 1. "*Alzheimer's disease*" or "*Alzheimer's*" means a  
32 progressive, degenerative, fatal disorder that results in loss  
33 of memory, loss of thinking and language skills, and behavioral  
34 changes. "*Alzheimer's disease*" includes related dementias  
35 including vascular dementia, Parkinson's disease, dementia with

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1 Lewy bodies, frontotemporal dementia, Crutzfeldt-Jakob disease,  
2 normal pressure hydrocephalus, and mixed dementia.

3 2. "Department" means the department of public health.

4 Sec. 88. NEW SECTION. 135P.2 Alzheimer's disease —  
5 state-level coordination and comprehensive response strategy.

6 1. The department shall develop and administer, and  
7 provide for state-level coordination of, a comprehensive  
8 Alzheimer's disease response strategy in accordance with the  
9 recommendations of the stakeholder workgroup convened pursuant  
10 to 2011 Iowa Acts, chapter 61. The response strategy shall  
11 include development and monitoring of short-term and long-term  
12 objectives and action steps to ensure that individuals with  
13 Alzheimer's disease have access to the highest quality and  
14 most appropriate care at all stages of the disease and in  
15 all settings across the service and supports continuum. The  
16 response strategy may include prioritization of objectives  
17 and action steps to most efficiently utilize resources and  
18 funding. The department shall update the initial response  
19 strategy biennially and shall submit a progress report annually  
20 in January to the governor and the general assembly.

21 2. In providing state-level coordination, the department  
22 shall integrate public and private resources and programs,  
23 reduce duplication, evaluate programs and services to ensure  
24 that evidence-based, high-quality programs and services are  
25 available to maximize the positive impact for individuals with  
26 Alzheimer's and their families and caregivers, and promote  
27 public awareness.

28 3. In developing the comprehensive Alzheimer's disease  
29 response strategy, the department shall do all of the  
30 following:

31 a. Establish an Alzheimer's disease coordinator position  
32 in the department in a manner similar to those positions  
33 that address other chronic conditions in the state. The  
34 coordinator, in partnership with public and private entities  
35 and the multidisciplinary advisory council convened pursuant to

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1 paragraph "b", shall do all of the following:

2 (1) Implement the recommendations of the Alzheimer's  
3 disease stakeholder workgroup convened pursuant to 2011 Iowa  
4 Acts, chapter 61, and establish standards for the comprehensive  
5 Alzheimer's disease response strategy.

6 (2) Inform, educate, and empower the public regarding the  
7 impact of Alzheimer's disease, in order to increase awareness  
8 of the disease and in particular the benefits of early  
9 detection, while working to decrease the stigma associated with  
10 Alzheimer's disease.

11 (3) Monitor the prevalence of Alzheimer's disease and  
12 cognitive impairment in the state through data collection and  
13 coordination efforts. Such data shall be made available to  
14 and used to assist public and private efforts in developing  
15 evidence-based programs and policies that address Alzheimer's  
16 disease.

17 (4) Evaluate, and promote the improved effectiveness,  
18 accessibility, and quality of, clinical and population-based  
19 Alzheimer's services. The evaluation and promotion efforts  
20 shall include coordination of services to reach rural and  
21 underserved areas of the state.

22 (5) Ensure a competent public and private sector workforce  
23 specific to the challenges of Alzheimer's disease. The effort  
24 shall include coordinating existing state efforts to develop,  
25 implement, and evaluate curricula and training requirements  
26 for providers of services who interact with individuals with  
27 Alzheimer's disease.

28 (6) Act as a liaison to the aging and disabilities resource  
29 centers, area agencies on aging, Alzheimer's association  
30 chapters, the health and long-term care access advisory council  
31 created by the department to implement the directives of  
32 sections 135.163 and 135.164, and other entities to ensure  
33 Alzheimer's disease is appropriately addressed in the state.

34 (7) Secure public and private funding relating to dementia  
35 to fulfill the duties specified under this chapter.

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1     **b.** Convene a multidisciplinary advisory council. The  
2 council shall assist and advise the department and the  
3 coordinator; develop partnerships to provide coordination,  
4 collaboration, and support for Alzheimer's-related services  
5 and programs throughout the state; and advocate on behalf of  
6 persons with Alzheimer's disease and their families. The  
7 advisory council shall, at a minimum, include representation  
8 from individuals with Alzheimer's disease and their families;  
9 caregivers and other providers of services and supports;  
10 medical providers including primary and specialty care  
11 providers, which shall include geriatricians, neurologists,  
12 and others with expertise in Alzheimer's disease; the  
13 Alzheimer's association; community-based organizations and  
14 other organizations with interest or expertise in Alzheimer's  
15 disease; academic institutions and programs with a focus  
16 on Alzheimer's disease and dementia; and appropriate state  
17 agencies including but not limited to the department on  
18 aging, the department of human services, the department of  
19 inspections and appeals, the department of public safety, and  
20 the department of workforce development. The department shall  
21 enlist private entities in providing staff support for the  
22 council.

23     Sec. 89. REPEAL. Section 135.171, Code 2013, is repealed.

24     Sec. 90. INCORPORATION OF EXISTING STATE DUTIES. The  
25 department of public health shall incorporate the requirements  
26 specified in section 135.171, Code 2013, into the comprehensive  
27 Alzheimer's disease strategy developed and administered  
28 pursuant to this division of this Act.

29                                   DIVISION XIX

30                                   AREA HEALTH EDUCATION CENTERS

31     Sec. 91. NEW SECTION. 135.179 **Area health education centers**  
32 **fund.**

33     An area health education centers fund is created in the  
34 state treasury as a separate fund under the control of the  
35 department. The department may receive appropriations,

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1 contributions, grants, and in-kind contributions to support  
2 the purposes of the fund. The fund shall be separate from the  
3 general fund of the state and shall not be considered part of  
4 the general fund of the state. The moneys in the fund shall  
5 not be considered revenue of the state, but rather shall be  
6 moneys of the fund. The moneys in the fund are appropriated  
7 to the department to be distributed to a publicly owned acute  
8 care teaching hospital located in a county with a population  
9 over three hundred fifty thousand that shall subcontract  
10 with health care entities that host regional area health  
11 education centers to recruit and retain a skilled health care  
12 workforce in rural and underserved areas of the state. The  
13 funds distributed shall be used to provide the nonfederal  
14 funding match requirement for receipt of federal grants for  
15 area health education centers from the federal health resources  
16 and services administration of the United States department of  
17 health and human services and to assist with continuation of  
18 existing educational health care programs and activities. The  
19 moneys in the fund are not subject to section 8.33 and shall  
20 not be transferred, used, obligated, appropriated, or otherwise  
21 encumbered, except to provide for the purposes of this section.  
22 Notwithstanding section 12C.7, subsection 2, interest or  
23 earnings on moneys deposited in the fund shall be credited to  
24 the fund.

25 Sec. 92. CODE EDITOR DIRECTIVE. The Code editor shall  
26 create a new division in chapter 135 codifying section 135.179,  
27 as enacted in this division of this Act, as the area health  
28 education centers fund.

29 DIVISION XX

30 MEDICAID BREAST AND CERVICAL CANCER

31 Sec. 93. Section 249A.3, subsection 2, paragraph a,  
32 subparagraph (2), Code 2013, is amended to read as follows:

33 (2) (a) As provided under the federal Breast and Cervical  
34 Cancer Prevention and Treatment Act of 2000, Pub. L. No.  
35 106-354, ~~women~~ individuals who meet all of the following

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1 criteria:

2 (i) Are not described in 42 U.S.C. § 1396a(a)(10)(A)(i).

3 (ii) Have not attained age sixty-five.

4 (iii) Have been screened for breast and cervical cancer

5 under the United States centers for disease control and

6 prevention breast and cervical cancer early detection program

7 established under 42 U.S.C. § 300k et seq., in accordance

8 with the requirements of 42 U.S.C. § 300n, and need treatment

9 for breast or cervical cancer. ~~A woman~~ An individual is

10 considered screened for breast and cervical cancer under this

11 subparagraph subdivision if the ~~woman~~ individual is screened

12 by any provider or entity, and the state grantee of the United

13 States centers for disease control and prevention funds under

14 Tit. XV of the federal Public Health Services Act has elected

15 to include screening activities by that provider or entity

16 as screening activities pursuant to Tit. XV of the federal

17 Public Health Services Act. This screening includes ~~but is~~

18 ~~not limited to~~ breast or cervical cancer screenings or related

19 diagnostic services provided or funded by family planning ~~or~~

20 centers, community health centers and breast cancer screenings

21 funded by the Susan G. Komen foundation which, or nonprofit

22 organizations, and the screenings or services are provided

23 to women individuals who meet the eligibility requirements

24 established by the state grantee of the United States centers

25 for disease control and prevention funds under Tit. XV of the

26 federal Public Health Services Act.

27 (iv) Are not otherwise covered under creditable coverage as

28 defined in 42 U.S.C. § 300gg(c).

29 (b) ~~A woman~~ An individual who meets the criteria of this

30 subparagraph (2) shall be presumptively eligible for medical

31 assistance.

32 Sec. 94. MEDICAID STATE PLAN AMENDMENT. The department of

33 human services shall submit a medical assistance state plan

34 amendment to the centers for Medicare and Medicaid services of

35 the United States department of health and human services to

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1 provide for applicability of the federal Breast and Cervical  
2 Cancer Prevention and Treatment Act of 2000, Pub. L. No.  
3 106-354, to both men and women. The department shall implement  
4 applicability of the program to both men and women upon receipt  
5 of federal approval.

6 DIVISION XXI

7 HEALTH AND LONG-TERM CARE

8 Sec. 95. Section 135.164, subsection 1, paragraph d, Code  
9 2013, is amended by striking the paragraph.

10 Sec. 96. COST PROJECTION REPORT — STRATEGIC PLAN. The  
11 department of public health shall develop cost projections for  
12 developing and implementing the strategic plan for health care  
13 delivery infrastructure and health care workforce resources as  
14 specified in section 135.164, and shall submit a report of such  
15 cost projections and any recommendations to the individuals  
16 identified in this Act for submission of reports by December  
17 15, 2013.

18 DIVISION XXII

19 AUTISM SUPPORT PROGRAM

20 Sec. 97. NEW SECTION. 225D.1 Definitions.

21 As used in this chapter unless the context otherwise  
22 requires:

23 1. *"Applied behavioral analysis"*, *"autism service provider"*,  
24 *"pharmacy care"*, *"psychiatric care"*, *"psychological care"*,  
25 *"rehabilitative care"*, *"therapeutic care"*, and *"treatment plan"*  
26 mean the same as defined in section 514C.28.

27 2. *"Autism"* means autism spectrum disorders as defined in  
28 section 514C.28.

29 3. *"Autism support fund"* or *"fund"* means the autism support  
30 fund created in section 225D.2.

31 4. *"Behavioral health treatment"* means clinically relevant  
32 counseling and treatment programs, including applied behavioral  
33 analysis, that meet both of the following requirements:

34 a. Are necessary to develop, maintain, or restore, to the  
35 maximum extent practicable, the functioning of an individual.

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- 1     *b.* Are provided or supervised by a board-certified  
2 behavior analyst or a licensed psychologist, as long as the  
3 services performed by a psychologist are commensurate with  
4 the psychologist's formal university training and supervised  
5 experience.
- 6     5. "*Clinically relevant*" means medically necessary and  
7 resulting in an improved clinical status as determined by  
8 department guidelines for managed care entities.
- 9     6. "*Department*" means the department of human services.
- 10    7. "*Diagnostic assessment of autism spectrum disorders*" means  
11 medically necessary assessment, evaluations, or tests performed  
12 by a licensed physician, licensed physician assistant, licensed  
13 psychologist, or licensed registered nurse practitioner, with  
14 expertise and special training in developmental disabilities or  
15 autism, to diagnose whether an individual has autism.
- 16    8. "*Eligible individual*" means a child less than nine years  
17 of age who has been diagnosed with autism based on a diagnostic  
18 assessment of autism spectrum disorders, is not otherwise  
19 eligible for coverage under the medical assistance program, has  
20 been denied coverage and is therefore not eligible for private  
21 insurance coverage, and whose household income does not exceed  
22 four hundred percent of the federal poverty level.
- 23    9. "*Federal poverty level*" means the most recently revised  
24 poverty income guidelines published by the United States  
25 department of health and human services.
- 26    10. "*Household income*" means household income as determined  
27 using the modified adjusted gross income methodology pursuant  
28 to section 2002 of the federal Patient Protection and  
29 Affordable Care Act, Pub. L. No. 111-148.
- 30    11. "*Medical assistance*" or "*Medicaid*" means assistance  
31 provided under the medical assistance program pursuant to  
32 chapter 249A.
- 33    12. "*Regional autism assistance program*" means the regional  
34 autism assistance program created in section 256.35.
- 35    13. "*Treatment of autism*" means treatment that is

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1 identified in a treatment plan and includes medically necessary  
2 behavioral health treatment, pharmacy care, psychiatric care,  
3 psychological care, rehabilitative care, and therapeutic care  
4 that is one of the following:

5     a. Prescribed, ordered, or provided by a licensed  
6 physician, licensed physician assistant, licensed psychologist,  
7 licensed social worker, or licensed advanced registered nurse  
8 practitioner.

9     b. Provided by an autism service provider.

10    c. Provided by a person, entity, or group that works under  
11 the direction of an autism service provider.

12    Sec. 98. NEW SECTION. 225D.2 Autism support program —  
13 fund.

14    1. The department shall implement an autism support  
15 program to provide payment for the treatment of autism for  
16 eligible individuals. The department shall adopt rules,  
17 including standards and guidelines, pursuant to chapter 17A to  
18 implement and administer the program. In adopting the rules,  
19 standards, and guidelines for the program, the department shall  
20 consult with and incorporate the recommendations of an expert  
21 panel convened by the regional autism assistance program to  
22 provide expert opinion on clinically relevant practices and  
23 guidance on program implementation and administration. The  
24 expert panel shall consist of families of individuals with  
25 autism; educational, medical, and human services specialists,  
26 professionals, and providers; and others with interest in or  
27 expertise related to autism. The program shall be implemented  
28 and administered in a manner so that services are available  
29 throughout the state, including in rural and under-resourced  
30 areas.

31    2. At a minimum, the rules, standards, and guidelines for  
32 the program shall address all of the following:

33     a. A maximum annual benefit amount for an eligible  
34 individual of thirty-six thousand dollars.

35     b. A maximum of twenty-four months of applied behavioral

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1 analysis treatment.

2     *c.* A graduated schedule for cost-sharing by an eligible  
3 individual based on a percentage of the total benefit amount  
4 expended for the eligible individual, annually. Cost-sharing  
5 shall be applicable to eligible individuals with household  
6 incomes at or above two hundred percent of the federal poverty  
7 level in incrementally increased amounts up to a maximum of  
8 ten percent. The rules shall provide a financial hardship  
9 exemption from payment of the cost-sharing based on criteria  
10 established by rule of the department.

11     *d.* Application, approval, compliance, and appeal processes  
12 for eligible individuals as necessary to operate and manage the  
13 program.

14     *e.* Enrollment, renewal, and reimbursement of claims  
15 provisions for autism service providers participating in the  
16 program.

17     *f.* A requirement of family engagement and participation as  
18 part of the eligible individual's treatment plan.

19     *g.* A requirement that the administrator of the program  
20 utilize the regional autism assistance program to coordinate  
21 interventions between eligible individuals and their families  
22 receiving support through the autism support program with  
23 appropriate medical, educational, and treatment providers,  
24 including integrated health homes. The regional autism  
25 assistance program shall provide for family navigation and  
26 coordination and integration of services through the statewide  
27 system of regional child health specialty clinics, utilizing  
28 the community child health team model. As necessitated by  
29 the availability of resources in the community where services  
30 are delivered, telehealth may be used in delivering and  
31 coordinating interventions with appropriate providers. To the  
32 extent available and accessible to an eligible individual,  
33 the eligible individual shall be enrolled in an integrated  
34 health home that is an approved provider enrolled in the  
35 medical assistance program. Health home services that are

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1 covered services under the medical assistance program shall be  
2 reimbursed under the autism support program at rates consistent  
3 with those established under the medical assistance program.

4     *h.* Requirements related to review of treatment plans,  
5 which may require review once every six months, subject to  
6 utilization review requirements established by rule. A more  
7 or less frequent review may be agreed upon by the eligible  
8 individual and the licensed physician or licensed psychologist  
9 developing the treatment plan.

10     *i.* Recognition of the results of a diagnostic assessment of  
11 autism as valid for a period of not less than twelve months,  
12 unless a licensed physician or licensed psychologist determines  
13 that a more frequent assessment is necessary.

14     3. Moneys in the autism support fund created under  
15 subsection 5 shall be expended only for eligible individuals  
16 who are not eligible for coverage for the same treatment  
17 services under the medical assistance program and who have  
18 applied for and been denied private insurance coverage for  
19 the same treatment services. Payment for treatment services  
20 through the fund shall be limited to only those services that  
21 are clinically relevant and only to the extent approved under  
22 the guidelines established by rule of the department.

23     4. This section shall not be construed as granting an  
24 entitlement for any program, service, or other support for  
25 eligible individuals. Any state obligation to provide a  
26 program, service, or other support pursuant to this section  
27 is limited to the extent of the funds appropriated for the  
28 purposes of the program. The department may establish a  
29 waiting list or terminate participation of eligible individuals  
30 if the department determines that moneys in the autism support  
31 fund are insufficient to cover future claims for reimbursement  
32 beyond ninety days.

33     5. *a.* An autism support fund is created in the state  
34 treasury under the authority of the department. Moneys  
35 appropriated to and all other moneys specified for deposit



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1 in the fund shall be deposited in the fund and used for the  
2 purposes of the program.

3     *b.* The fund shall be separate from the general fund of the  
4 state and shall not be considered part of the general fund of  
5 the state. The moneys in the fund shall not be considered  
6 revenue of the state, but rather shall be funds of the autism  
7 support program. The moneys deposited in the fund are not  
8 subject to section 8.33 and shall not be transferred, used,  
9 obligated, appropriated, or otherwise encumbered, except to  
10 provide for the purposes of this section. Notwithstanding  
11 section 12C.7, subsection 2, interest or earnings on moneys  
12 deposited in the fund shall be credited to the fund.

13     *c.* The department shall adopt rules pursuant to chapter 17A  
14 to administer the fund and reimbursements made from the fund.

15     *d.* Moneys in the fund are appropriated to the department and  
16 shall be used by the department for the purposes of the autism  
17 support program. The department shall be the administrator of  
18 the fund for auditing purposes.

19     *e.* The department shall submit an annual report to the  
20 governor and the general assembly no later than January 1  
21 of each year that includes but is not limited to all of the  
22 following:

23         (1) The total number of applications received under the  
24 program for the immediately preceding fiscal year.

25         (2) The number of applications approved and the total amount  
26 of funding expended for reimbursements under the program in the  
27 immediately preceding fiscal year.

28         (3) The cost of administering the program in the immediately  
29 preceding fiscal year.

30         (4) The number of eligible individuals on a waiting list, if  
31 any, and the amount of funding necessary to reduce the existing  
32 waiting list.

33         (5) Recommendations for any changes to the program.

34     Sec. 99. IMPLEMENTATION.

35     1. The department of human services shall implement the



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1 autism support program within one hundred twenty days of  
2 the effective date of this division of this Act, subject to  
3 available funding.

4 2. Notwithstanding section 8.47 or any other provision of  
5 law to the contrary, the department may utilize a sole-source  
6 contract and utilize the managed care entity under contract  
7 with the department to manage behavioral health services under  
8 the medical assistance program to administer the program.

9 Total administrative costs of the program shall not exceed ten  
10 percent of the funds expended through the program, annually.

11 Sec. 100. EFFECTIVE UPON ENACTMENT. This division of this  
12 Act, being deemed of immediate importance, takes effect upon  
13 enactment.

14 DIVISION XXIII

15 DEPARTMENT OF HUMAN SERVICES — CHILD, ADULT, AND FAMILY  
16 SERVICES

17 Sec. 101. Section 225C.38, subsection 1, paragraph c, Code  
18 2013, is amended to read as follows:

19 c. Except as provided in section 225C.41, a family support  
20 subsidy for a fiscal year shall be in an amount determined by  
21 the department ~~in consultation with the comprehensive family~~  
22 ~~support council created in section 225C.48.~~ The parent or  
23 legal guardian receiving a family support subsidy may elect  
24 to receive a payment amount which is less than the amount  
25 determined in accordance with this paragraph.

26 Sec. 102. Section 225C.42, subsection 1, Code 2013, is  
27 amended to read as follows:

28 1. The department shall conduct an annual evaluation of  
29 the family support subsidy program ~~in conjunction with the~~  
30 ~~comprehensive family support council~~ and shall submit the  
31 evaluation report with recommendations to the governor and  
32 general assembly. The report shall be submitted on or before  
33 October 30 and provide an evaluation of the latest completed  
34 fiscal year.

35 Sec. 103. Section 225C.47, subsection 5, unnumbered

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1 paragraph 1, Code 2013, is amended to read as follows:

2 The department shall design the program ~~in consultation with~~  
3 ~~the comprehensive family support council created in section~~  
4 ~~225C.48~~. The department shall adopt rules to implement the  
5 program which provide for all of the following:

6 Sec. 104. Section 225C.49, subsection 4, Code 2013, is  
7 amended to read as follows:

8 4. The department shall designate one individual whose sole  
9 duties are to provide central coordination of the programs  
10 under sections 225C.36 and 225C.47 and ~~to work with the~~  
11 ~~comprehensive family support council~~ to oversee development and  
12 implementation of the programs.

13 Sec. 105. Section 239B.5, Code 2013, is amended by adding  
14 the following new subsection:

15 NEW SUBSECTION. 4. *a.* The department shall implement  
16 policies and procedures as necessary to comply with provisions  
17 of the federal Middle Class Tax Relief and Job Creation Act  
18 of 2012, Pub. L. No. 112-96, to prevent assistance provided  
19 under this chapter from being used in any electronic benefit  
20 transfer transaction in any liquor store; any casino, gambling  
21 casino, or gaming establishment; or any retail establishment  
22 which provides adult-oriented entertainment in which performers  
23 disrobe or perform in an unclothed state for entertainment.  
24 For purposes of this paragraph, the definitions found in the  
25 federal Middle Class Tax Relief and Job Creation Act and  
26 related rules and statutes apply.

27 *b.* Unless otherwise precluded by federal law or regulation,  
28 policies and procedures implemented under this subsection shall  
29 at a minimum impose the prohibition described in paragraph "a"  
30 as a condition for continued eligibility for assistance under  
31 this chapter.

32 *c.* The department may implement additional measures as may  
33 be necessary to comply with federal regulations in implementing  
34 paragraph "a".

35 *d.* The department shall adopt rules as necessary to

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1 implement this subsection.

2 Sec. 106. Section 239B.14, subsection 1, Code 2013, is  
3 amended to read as follows:

4 1. a. An individual who obtains, or attempts to obtain,  
5 or aids or abets an individual to obtain, by means of a  
6 willfully false statement or representation, by knowingly  
7 failing to disclose a material fact, or by impersonation, or  
8 any fraudulent device, any assistance or other benefits under  
9 this chapter to which the individual is not entitled, commits  
10 a fraudulent practice.

11 b. An individual who accesses benefits provided under  
12 this chapter in violation of any prohibition imposed by the  
13 department pursuant to section 239B.5, subsection 4, commits  
14 a fraudulent practice.

15 Sec. 107. Section 249A.3, subsection 1, Code 2013, is  
16 amended by adding the following new paragraph:

17 NEW PARAGRAPH. v. Beginning January 1, 2014, is an  
18 individual who meets all of the following requirements:

19 (1) Is under twenty-six years of age.

20 (2) Was in foster care under the responsibility of the state  
21 on the date of attaining eighteen years of age or such higher  
22 age to which foster care is provided.

23 (3) Was enrolled in the medical assistance program under  
24 this chapter while in such foster care.

25 Sec. 108. Section 249A.3, subsection 2, paragraph a,  
26 subparagraph (9), Code 2013, is amended by striking the  
27 subparagraph.

28 Sec. 109. Section 249J.26, subsection 2, Code 2013, is  
29 amended to read as follows:

30 2. This chapter is repealed ~~October~~ December 31, 2013.

31 Sec. 110. Section 514I.4, subsection 5, paragraph a, Code  
32 2013, is amended by striking the paragraph.

33 Sec. 111. Section 514I.5, subsection 7, paragraph f, Code  
34 2013, is amended to read as follows:

35 f. Review, in consultation with the department, and take

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1 necessary steps to improve interaction between the program and  
2 other public and private programs which provide services to the  
3 population of eligible children. ~~The board, in consultation~~  
4 ~~with the department, shall also develop and implement a plan~~  
5 ~~to improve the medical assistance program in coordination with~~  
6 ~~the hawk-i program, including but not limited to a provision to~~  
7 ~~coordinate eligibility between the medical assistance program~~  
8 ~~and the hawk-i program, and to provide for common processes~~  
9 ~~and procedures under both programs to reduce duplication and~~  
10 ~~bureaucracy.~~

11 Sec. 112. Section 514I.5, subsection 8, paragraphs b and f,  
12 Code 2013, are amended by striking the paragraphs.

13 Sec. 113. Section 514I.7, subsection 2, paragraphs a and g,  
14 Code 2013, are amended to read as follows:

15 a. Determine ~~individual~~ eligibility for program enrollment  
16 ~~based upon review of completed applications and supporting~~  
17 ~~documentation as prescribed by federal law and regulation,~~  
18 using policies and procedures adopted by rule of the department  
19 pursuant to chapter 17A. The administrative contractor shall  
20 not enroll a child who has group health coverage, unless  
21 expressly authorized by such rules.

22 g. ~~Create and~~ Utilize the department's eligibility system  
23 to maintain eligibility files that are compatible with the  
24 data system of the department with pertinent eligibility  
25 determination and ongoing enrollment information including, but  
26 not limited to, data regarding beneficiaries, enrollment dates,  
27 disenrollments, and annual financial redeterminations.

28 Sec. 114. Section 514I.7, subsection 2, paragraphs c, d, e,  
29 f, and k, Code 2013, are amended by striking the paragraphs.

30 Sec. 115. Section 514I.8, subsection 1, Code 2013, is  
31 amended to read as follows:

32 1. a. Effective July 1, 1998, and notwithstanding any  
33 medical assistance program eligibility criteria to the  
34 contrary, medical assistance shall be provided to, or on behalf  
35 of, an eligible child under the age of nineteen whose family



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1 income does not exceed one hundred thirty-three percent of the  
2 federal poverty level, as defined by the most recently revised  
3 poverty income guidelines published by the United States  
4 department of health and human services.

5 b. ~~Additionally, effective~~ Effective July 1, 2000, and  
6 notwithstanding any medical assistance program eligibility  
7 criteria to the contrary, medical assistance shall be provided  
8 to, or on behalf of, an eligible infant whose family income  
9 does not exceed two hundred percent of the federal poverty  
10 level, as defined by the most recently revised poverty income  
11 guidelines published by the United States department of health  
12 and human services.

13 c. Effective July 1, 2009, and notwithstanding any medical  
14 assistance program eligibility criteria to the contrary,  
15 medical assistance shall be provided to, or on behalf of, a  
16 pregnant woman or an eligible child who is an infant and whose  
17 family income is at or below three hundred percent of the  
18 federal poverty level, as defined by the most recently revised  
19 poverty income guidelines published by the United States  
20 department of health and human services.

21 Sec. 116. Section 514I.8, subsection 2, paragraph c, Code  
22 2013, is amended to read as follows:

23 c. Is a member of a family whose income does not exceed  
24 three hundred percent of the federal poverty level, as defined  
25 in 42 U.S.C. § 9902(2), including any revision required by  
26 such section, and in accordance with the federal Children's  
27 Health Insurance Program Reauthorization Act of 2009, Pub. L.  
28 No. 111-3. The modified adjusted gross income methodology  
29 prescribed in section 2101 of the federal Patient Protection  
30 and Affordable Care Act, Pub. L. No. 111-148, to determine  
31 family income under this paragraph.

32 Sec. 117. Section 514I.8, subsections 3 and 4, Code 2013,  
33 are amended to read as follows:

34 3. In accordance with the rules adopted by the board,  
35 a child may be determined to be presumptively eligible for



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1 the program pending a final eligibility determination.  
2 Following final determination of eligibility ~~by the~~  
3 ~~administrative contractor~~, a child shall be eligible for a  
4 twelve-month period. At the end of the twelve-month period,  
5 ~~the administrative contractor shall conduct~~ a review of the  
6 circumstances of the eligible child's family shall be conducted  
7 to establish eligibility and cost sharing for the subsequent  
8 twelve-month period.

9 4. Once an eligible child is enrolled in a plan, the  
10 ~~eligible child shall remain enrolled in the plan unless a~~  
11 ~~determination is made, according to criteria established by the~~  
12 ~~board, that the eligible child should be allowed to enroll in~~  
13 ~~another qualified child health plan or should be disenrolled.~~  
14 An enrollee may request to change plans within ninety days of  
15 initial enrollment for any reason and at any time for cause, as  
16 defined in 42 C.F.R. § 438.56(d)(2). Otherwise, an enrollee  
17 may change plan enrollment once a year on the enrollee's  
18 anniversary date.

19 Sec. 118. Section 514I.8, subsections 5 and 6, Code 2013,  
20 are amended by striking the subsections.

21 Sec. 119. Section 514I.9, Code 2013, is amended to read as  
22 follows:

23 **514I.9 Program benefits.**

24 1. ~~Until June 30, 1999, the benefits provided under the~~  
25 ~~program shall be those benefits established by rule of the~~  
26 ~~board and in compliance with Tit. XXI of the federal Social~~  
27 ~~Security Act.~~

28 2. ~~On or before June 30, 1999, the hawk-i board shall adopt~~  
29 ~~rules to amend the benefits package based upon review of the~~  
30 ~~results of the initial benefits package used.~~

31 3. ~~Subsequent to June 30, 1999, the~~ The hawk-i board shall  
32 review the benefits package annually and shall determine  
33 additions to or deletions from the benefits package offered.  
34 The hawk-i board shall submit the recommendations to the  
35 general assembly for any amendment to the benefits package.

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1     ~~4.~~ 2. Benefits, in addition to those required by rule, may  
2 be provided to eligible children by a participating insurer if  
3 the benefits are provided at no additional cost to the state.

4     Sec. 120. REPEAL. Section 225C.48, Code 2013, is repealed.

5     Sec. 121. EFFECTIVE DATE. The following provision or  
6 provisions of this Act take effect December 31, 2013:

7     1. The section of this Act amending section 249A.3,  
8 subsection 2, paragraph "a", subparagraph (9).

9                                   DIVISION XXIV

10     OPTIONS — ELDERLY PERSONS WITH AGGRESSIVE OR PSYCHIATRIC  
11                                   BEHAVIORS

12     Sec. 122. FACILITY FOR ELDERLY PERSONS WITH AGGRESSIVE OR  
13 PSYCHIATRIC BEHAVIORS — COMMITTEE — REPORT.

14     1. The department of inspections and appeals, in  
15 conjunction with the department of human services, shall  
16 establish and facilitate a committee of stakeholders to examine  
17 options for designating a facility to provide care for elderly  
18 persons in this state who are sexually aggressive, combative,  
19 or have unmet geropsychiatric needs.

20     2. The membership of the committee shall include but is not  
21 limited to the following:

22     a. Representatives of the departments of inspections and  
23 appeals, human services, corrections, public health, and aging,  
24 the state public defender, the office of the citizens' aide,  
25 the office of the state long-term care resident's advocate, and  
26 the judicial branch.

27     b. Consumers of services provided by long-term care  
28 facilities and family members of consumers.

29     c. Representatives from leadingage Iowa, the Iowa health  
30 care association, and the Iowa association of community  
31 providers.

32     d. Direct care workers employed by long-term care  
33 facilities.

34     e. Representatives from Iowa legal aid.

35     f. Representatives from AARP Iowa.

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1 g. Representatives from the Iowa civil liberties union.  
2 h. Other stakeholders as the department of inspections and  
3 appeals and the department of human services deem appropriate.  
4 3. The committee shall discuss whether a long-term care  
5 facility, as defined in section 142D.2, should have the  
6 ability to refuse admission to, or discharge, residents who are  
7 sexually aggressive, combative, or have unmet geropsychiatric  
8 needs. The committee shall consider options for establishment  
9 of a facility to provide care for persons who are sexually  
10 aggressive, combative, or have unmet geropsychiatric needs.  
11 The committee shall identify the characteristics of residents  
12 for such a facility, options for creating a new facility  
13 to house such residents, options for the expansion of an  
14 existing facility to house such residents, options for using  
15 any alternative facilities for such residents, the workforce  
16 and training necessary for the workforce in such facility,  
17 options to qualify a facility for Medicaid reimbursement, cost  
18 projections for any recommendations, and other information  
19 deemed relevant by the department of inspections and appeals.  
20 4. The committee shall provide a report detailing its  
21 findings and recommendations to the governor and the general  
22 assembly by December 15, 2013.

23 EXPLANATION

24 This bill relates to appropriations for health and human  
25 services for FY 2013-2014 to the department of veterans  
26 affairs, the Iowa veterans home, the department on aging, the  
27 department of public health, Iowa finance authority, state  
28 board of regents, department of inspections and appeals,  
29 department of human rights, and the department of human  
30 services (DHS).

31 The bill is organized into divisions.

32 DEPARTMENT ON AGING — FY 2013-2014. This division makes  
33 appropriations from the general fund of the state for the  
34 department on aging for FY 2013-2014.

35 DEPARTMENT OF PUBLIC HEALTH — FY 2013-2014. This division

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1 makes appropriations from the general fund of the state for the  
2 department of public health for FY 2013-2014.

3 DEPARTMENT OF VETERANS AFFAIRS — FY 2013-2014. This  
4 division makes appropriations from the general fund of the  
5 state for the department of veterans affairs for FY 2013-2014.

6 DEPARTMENT OF HUMAN SERVICES — FY 2013-2014. This division  
7 makes appropriations from the general fund of the state, the  
8 health care trust fund, and the federal temporary assistance  
9 for needy families block grant to DHS. The allocation for the  
10 family development and self-sufficiency grant program is made  
11 directly to the department of human rights. The reimbursement  
12 section addresses reimbursement for providers reimbursed by the  
13 department of human services.

14 HEALTH CARE ACCOUNTS AND FUND — FY 2013-2014. This division  
15 makes health-related appropriations for fiscal year 2013-2014.  
16 A number of the appropriations are made for purposes of the  
17 medical assistance (Medicaid) program in addition to the  
18 general fund appropriations made for this purpose for the same  
19 fiscal year.

20 The appropriation from the pharmaceutical settlement account  
21 to DHS supplements the Medicaid program medical contracts  
22 appropriations.

23 The appropriations from the IowaCare account are made to the  
24 state board of regents for distribution to the university of  
25 Iowa hospitals and clinics and to DHS for distribution to a  
26 publicly owned acute care teaching hospital in a county with a  
27 population over 350,000.

28 The appropriation from the nonparticipating provider  
29 reimbursement fund is made to DHS to reimburse nonparticipating  
30 providers under the IowaCare program.

31 The appropriations made to supplement the Medicaid program  
32 are from the quality assurance trust fund and the hospital  
33 health care access trust fund. In addition, an appropriation  
34 is made from the hospital health care access trust fund for the  
35 nonparticipating provider reimbursement fund.

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1 The division provides that if the total amounts appropriated  
2 from all sources for the medical assistance program for fiscal  
3 year 2013-2014 exceed the amount needed, the excess remains  
4 available to be used for the program in the succeeding fiscal  
5 year.

6 CHILDREN'S HEALTH INSURANCE PROGRAM — CHILD ENROLLMENT  
7 CONTINGENCY FUND — FY 2013-2014. Approximately \$20.6 million  
8 of the moneys received from the federal government through the  
9 child enrollment contingency fund established pursuant to the  
10 federal Children's Health Insurance Program Reauthorization  
11 Act of 2009 are transferred to the rebuild Iowa infrastructure  
12 fund and are appropriated to the department of administrative  
13 services to be used to supplement infrastructure projects for  
14 major repairs and major maintenance of state buildings and  
15 facilities.

16 PRIOR YEAR APPROPRIATIONS. This division relates to  
17 appropriations made for FY 2012-2013 or earlier.

18 An allocation for foster family respite services for FY  
19 2012-2013 enacted in 2012 Iowa Acts, chapter 1133, section 22,  
20 is amended to carry forward the allocation for the succeeding  
21 fiscal year.

22 The Medicaid appropriation made from the general fund of the  
23 state for FY 2012-2013 in 2011 Iowa Acts, chapter 129, section  
24 122, is increased. In addition, a transfer of funds in that  
25 appropriation to the IowaCare account is increased.

26 The appropriation made for FY 2012-2013 for adoption subsidy  
27 payments and services in 2011 Iowa Acts, chapter 129, section  
28 141, as amended by 2012 Iowa Acts, chapter 1133, section 23,  
29 subsection 1, is increased.

30 The Medicaid program reimbursement provision setting a cap  
31 on the nursing facility budget for FY 2012-2013, in 2011 Iowa  
32 Acts, chapter 129, section 141, is increased.

33 The division takes effect upon enactment.

34 CHILD WELFARE AND CHILD CARE. This division includes  
35 statutory changes involving child welfare and child care.



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1 Code section 232.142, relating to county and multicounty  
2 juvenile detention homes, is amended. The homes are subject to  
3 approval by the director of the department of human services  
4 and the bill limits the statewide number of beds in the homes  
5 approved by the director to the number of beds in approved  
6 homes as of July 1, 2012.

7 Code section 237A.13, relating to the state child care  
8 assistance program, is amended. The program is administered  
9 by DHS to furnish financial assistance for child care needs  
10 provided to children in families with low income or other  
11 special needs. Income eligibility requirements for the program  
12 are outlined in a priority list specifying how a waiting list  
13 is to be applied based on the availability of funding. The  
14 current provision for employed families with an income of more  
15 than 100 percent but not more than 145 percent of the federal  
16 poverty level is increased to 148 percent. The standard period  
17 for redetermining eligibility of a program participant is  
18 changed to require the eligibility redetermination to be 12  
19 months from the date of the eligibility determination and every  
20 12 months thereafter.

21 AGING. This division relates to programs and services  
22 involving the department on aging.

23 Code section 231.42, relating to the duties of the office  
24 of long-term care resident's advocate, is amended to provide a  
25 standing appropriation of a financial penalty to the office.

26 Code section 231E.13, providing that implementation of the  
27 substitute decision maker Act is subject to the availability  
28 of funding, is repealed.

29 The division includes a contingent provision for 2013 Iowa  
30 Acts, Senate File 184, if enacted, amending Code section  
31 231.33, subsection 21, relating to an area agency on aging  
32 complying with all applicable requirements of the Iowa public  
33 employees' retirement system (IPERS). The division provides  
34 that an employee of an area agency on aging that was enrolled  
35 in an alternative qualified plan prior to July 1, 2012, may



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1 continue participation in that alternative qualified plan in  
2 lieu of mandatory participation in the Iowa public employees'  
3 retirement system. This provision takes effect upon enactment  
4 and applies retroactively to July 1, 2012.

5 The department is required to convene a task force on elder  
6 abuse prevention and intervention to continue the work of a  
7 previous task force on elder abuse. The task force is required  
8 to develop an overall design for a comprehensive approach to  
9 elder abuse prevention and intervention. The task force final  
10 report is due to the governor and general assembly by December  
11 31, 2013. The legislative council is requested to establish a  
12 legislative interim committee to monitor the work of the task  
13 force.

14 The department is also required to collaborate with  
15 the national health law and policy resource center at the  
16 university of Iowa college of law in establishing a three-year  
17 pilot project to train, recruit, and oversee volunteers to  
18 assist the courts in monitoring guardianships and conservators.

19 EMS TASK FORCE. This division requires the department  
20 of public health to establish a task force to ensure the  
21 availability of quality emergency medical services for this  
22 date. The task force is required to submit a final report with  
23 findings and recommendations to the governor, general assembly,  
24 and others by April 30, 2014.

25 MEDICATION THERAPY MANAGEMENT. This division requires the  
26 department of human services to enter into a contract for  
27 the provision of medication therapy management services for  
28 Medicaid program recipients who have chronic conditions and  
29 take four or more prescription drugs or meet other criteria.  
30 The division takes effect upon enactment.

31 HOSPITAL PROVIDER TAX. This division extends the sunset  
32 provision providing for repeal of Code chapter 249M, relating  
33 to the hospital health care access assessment program, from  
34 June 30, 2013, to June 30, 2016. The division takes effect  
35 upon enactment.



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1 ILL AND HANDICAPPED WAIVER NAME CHANGE. This division  
2 revises the name of the Medicaid program's ill and handicapped  
3 home and community-based services waiver to the health and  
4 disability waiver in Code section 423.3, relating to the  
5 exemptions from the streamlined sales and use tax Act.

6 MILLER TRUST. This division revises dollar amount and  
7 income thresholds in Code chapter 633C, relating to Medicaid  
8 special needs trusts and income trusts, known as Miller trusts.  
9 The changes apply to trusts in existence on or after July 1,  
10 2013.

11 FAMILY PLANNING WAIVER — STATE PLAN. This division  
12 relates to family planning services available under the  
13 Medicaid program by requiring DHS to amend the state plan  
14 for the program to include such services currently provided  
15 through a federally approved demonstration waiver. The waiver  
16 requirements outlined in 2010 Iowa Acts, chapter 1192, are  
17 amended to specify the Medicaid program is the payer of last  
18 resort if the recipient of services through the waiver has  
19 health insurance coverage. The division takes effect upon  
20 enactment and implementation is subject to federal approval.

21 MISCELLANEOUS HEALTH CARE AMENDMENTS. This division updates  
22 various Medicaid program references throughout the Code to  
23 distinguish between mandatory, optional, and discretionary  
24 medical assistance.

25 ALZHEIMER'S COORDINATION AND STRATEGY. This division  
26 relates to state-level coordination of a comprehensive response  
27 strategy for Alzheimer's disease. The division creates a new  
28 Code chapter, Code chapter 135P, to direct that the department  
29 of public health (DPH) is to develop and administer, and  
30 provide for state-level coordination of, a comprehensive  
31 Alzheimer's disease response strategy.

32 AREA HEALTH EDUCATION CENTERS. This division creates an  
33 area health education centers fund in the state treasury  
34 as a separate fund under the control of the department of  
35 public health. The moneys in the fund are appropriated to the

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1 department to be distributed to a publicly owned acute care  
2 teaching hospital located in a county with a population over  
3 350,000 to subcontract with health care entities that host  
4 AHECs to recruit and retain health care providers in rural and  
5 underserved areas of the state. The funds distributed are to  
6 be used to provide the nonfederal funding match requirement for  
7 receipt of federal grants for AHECs from the federal health  
8 resources and services administration of the United States  
9 department of health and human services and to provide for  
10 continuation of existing educational health care programs and  
11 activities.

12 BREAST AND CERVICAL CANCER TREATMENT — MEDICAID. This  
13 division amends the coverage provisions under the Medicaid  
14 program for breast and cervical cancer treatment to provide  
15 that the required screening may be provided or funded by family  
16 planning centers, community health centers, or nonprofit  
17 organizations. The amendment also replaces the application of  
18 the program to only women with application to any individuals.  
19 The division also directs DHS to submit a Medicaid state plan  
20 amendment to the centers for Medicare and Medicaid services  
21 of the United States department of health and human services  
22 to provide for applicability of the coverage to both men and  
23 women. The division directs DHS to implement applicability  
24 of the program to both women and men upon receipt of federal  
25 approval.

26 HEALTH AND LONG-TERM CARE. This division amends Code  
27 section 135.164, relating to the strategic plan for health care  
28 delivery and health care workforce resources, to eliminate a  
29 requirement for the department of public health to establish  
30 a technical advisory committee. The division also directs  
31 DPH to develop and submit cost projections for developing and  
32 implementing the strategic plan by December 15, 2013.

33 AUTISM SUPPORT PROGRAM. This division requires the  
34 department of human services to implement an autism support  
35 program for children younger than age nine who are not eligible

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1 for the Medicaid program and do not have private insurance  
2 coverage.

3 CHILD, ADULT, AND FAMILY SERVICES — DHS. This division  
4 relates to child, adult, and family services under the purview  
5 of the department of human services.

6 The division eliminates the comprehensive family support  
7 council and strikes references to the council.

8 The division directs DHS to implement policies and  
9 procedures necessary to comply with the federal Middle  
10 Class Tax Relief and Job Creation Act of 2012, to prevent  
11 family investment program assistance from being used in any  
12 electronic benefit transfer transaction in a liquor store; a  
13 casino, gambling casino, or gaming establishment; or a retail  
14 establishment that provides adult-oriented entertainment. The  
15 division also provides that an individual accessing benefits  
16 through the family investment program in a way prohibited under  
17 the policies and procedures implemented by the department  
18 commits a fraudulent practice.

19 The division extends the repeal date of the IowaCare program  
20 from October 31, 2013, to December 31, 2013.

21 The division amends provisions relating to the medical  
22 assistance (Medicaid) and hawk-i programs to comply with  
23 provisions of the federal Patient Protection and Affordable  
24 Care Act (ACA).

25 OPTIONS — ELDERLY PERSONS WITH AGGRESSIVE OR PSYCHIATRIC  
26 BEHAVIORS. This division relates to housing of elderly persons  
27 who are sexually aggressive or combative or who have unmet  
28 geropsychiatric needs. The division directs the department of  
29 inspections and appeals, in conjunction with the department  
30 of human services, to establish and facilitate a committee  
31 to address the placement or housing of such persons. The  
32 committee must provide a report of findings and recommendations  
33 to the governor and general assembly by December 15, 2013.